

Extra Ordinary Part - IV / 1997

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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 11th January, 1997.

GUJARAT ORDINANCE NO. 1 OF 1997.

AN ORDINANCE

to validate the levy and collection of tax on milk powder under the Gujarat Sales Tax Act, 1969.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to validate the levy and collection of tax on milk powder under the Gujarat Sales Tax Act, 1969.

Guj. 1 of 1970.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Sales Tax (Validation) Ordinance, 1997.

(2) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires—

Guj. 1 of 1970.

(a) "the Act" means the Gujarat Sales Tax Act, 1969;

(b) the expressions "dealer" and "tax" shall have the meanings as respectively assigned to them in clauses (10) and (32) of section 2 of the Act.

3. *Validation of levy and collection of tax on milk powder under the Act.*—(1) Notwithstanding any judgement, decree or order of any court, tribunal or authority to the contrary—

(a) in sub-entry (i) of entry 10 of Schedule I to the Gujarat Sales Tax Act, 1969, as in force before the date of the commencement of the Gujarat Sales Tax (Second Amendment) Act, 1992 (hereinafter referred to as "the said date"), the words "except milk powder" shall be and shall be deemed always to have been added at the end and formed part of the said sub-entry (i) before the said date; Guj. 1 of 1970.
Guj. 9 of 1992.

(b) a tax on milk powder levied, assessed, re-assessed or collected or purported to have been levied, assessed, re-assessed or collected under the Act before the said date shall be and shall be deemed always to have been validly levied, assessed, re-assessed or collected in accordance with law as if, the said sub-entry (i) of entry 10 as so construed had been in force at all material times when the said tax was levied, assessed, re-assessed or collected, and accordingly—

(i) no suit, appeal, application or other proceeding shall be maintained or continued in any court or before any tribunal or authority whatsoever for the refund of the said tax,

(ii) no court, tribunal or other authority shall enforce any decree or order directing refund of the said tax,

(iii) recoveries shall be made in accordance with the provisions of the Act, of all amounts collected by dealers by way of such tax under the Act, as if, the said sub-entry (i) of entry 10 as so construed had been in force at all material times.

(2) For the removal of doubt, it is hereby declared that—

(a) nothing in sub-section (1) shall be construed as preventing any person—

(i) from questioning, in accordance with the provisions of the Act, the levy, assessment, re-assessment or collection of the aforesaid tax as so validated under sub-section (1), or

(ii) from claiming, in accordance with the provisions of the Act, refund of the aforesaid tax as so validated under sub-section (1) and paid by him in excess of the amount due from him,

(b) no act or omission on the part of any person before the said date, shall be punishable as an offence which would not have been so punishable if this Ordinance had not come into force.

STATEMENT

Since the inception of the Gujarat Sales Tax Act, 1969 sales tax was levied and collected on milk powder. The High Court of Gujarat in the case of *Chunilal Mayachand Vs. State of Gujarat* (1992 (86) STC 105) interpreted the entry relating to 'milk, whole or separated or reconstituted' as appearing in sub-entry (i) of entry 10 of Schedule I to the Act as it existed prior to the 1st April, 1992. In the context of the said judgement, a doubt has arisen as to whether 'milk powder' was exigible to tax and levy of tax thereon was validly made or not. In order to remove any such doubt and to make the intention of the Legislature clear, the 'milk powder' is excluded from the expression 'milk, whole or separated or reconstituted' appearing in the said sub-entry (i) of entry 10 as it existed prior to the 1st April, 1992 and the levy and collection of tax thereon is validated. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 10th January, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

RAJESH KISHOR,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th February, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 27th February, 1997):

AN ACT

further to amend the Gujarat Legislative Assembly Members
 (Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 1997.

(2) The provisions of section 2 shall be deemed to have come into force on the 16th November, 1996, section 3 shall be deemed to have come into force on the 23rd November, 1996 and section 4 shall be deemed to have come into force on the 20th December, 1996.

Amendment of Schedule of 1960. 2. In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (hereinafter referred to as "the principal Act"), in the Schedule,—

(1) in entry 26, for the word "Chairman", the words "Chairman or Director" shall be substituted;

(2) after entry 32, the following entries shall be added, namely :—

"33. The office of Chairman or Director of the Gujarat State Financial Corporation established under the State Financial Corporations Act, 1951. 63 of 1951.

"34. The office of Chairman or Director of the Gujarat Mineral Development Corporation Limited.

"35. The office of Chairman or Director of the Gujarat State Seeds Corporation Limited."

Amendment of Schedule to Guj. I of 1960. 3. In the principal Act, in the Schedule, after entry 35 as so added, the following entry shall be added, namely :—

"36. The office of Chairman or Director of the Gujarat Agro-Industries Corporation Limited."

Amendment of Schedule to Guj. I of 1960. 4. In the principal Act, in the Schedule, after entry 36 as so added, the following entries shall be added, namely :—

"37. The office of Chairman or Director of the Gujarat Tractor Corporation Limited.

"38. The office of Chairman or Director of the Gujarat Water Resources Development Corporation Limited.

"39. The office of Chairperson or member of the Gujarat State Wakf Board established under the Wakf Act, 1995. 43 of 1995.

"40. The office of Chairman or member of the Gujarat Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974." 6 of 1974.

Repeal and savings. 5. (1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1996, the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Second Amendment) Ordinance, 1996 and the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Third Amendment) Ordinance, 1996 are hereby repealed. 14 of 1996, 15 of 1996, 19 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th February, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 27th February, 1997).

AN ACT

further to amend the Gujarat Tax on Luxuries (Hotels and
Lodging Houses) Act, 1977.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 1997.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 18th June, 1996.

Amendment
of section
2 of Guj.
24 of 1977.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act"), in section 2, clause (c) shall be deleted.

Guj. 24
of 1977.

Amendment
of section
3 of Guj.
24 of 1977.

3. In the principal Act, in section 3, in sub-section (1), second proviso shall be deleted.

Amendment
of section
4 of Guj.
24 of 1977.

4. In the principal Act, in section 4, sub-sections (3) and (4), shall be deleted.

Amendment
of section
5 of Guj.
24 of 1977.

5. In the principal Act, in section 5, in sub-section (1), for the words "eight days", the words "fifteen days" shall be substituted.

Amendment
of section
9 of Guj.
24 of 1977.

6. In the principal Act, in section 9, in sub-section (1), after the word and figure "section 6", the words, figures and letter "or under section 20C" shall be inserted.

Amendment
of section
10 of Guj.
24 of 1977.

7. In the principal Act, in section 10,—

(1) in sub-section (1), after the words "*suo motu*", the words "or on an application made in that behalf" shall be inserted;

(2) for sub-sections (2) and (2A), the following sub-section shall be substituted, namely:—

"(2) No order shall be revised under sub-section (1) after the expiry of two years from the date of such order unless the State Government or, as the case may be, the designated officer, is satisfied that the proprietor was prevented by sufficient cause from making the application within that period.

Explanation.—In computing the period of limitation for the purpose of this sub-section,—

(a) any period during which the record of any proceeding has not been called for under the proviso to sub-section (1), and

(b) any period during which any proceeding under this section is stayed by an order or injunction of any civil court,

shall be excluded";

(3) in sub-section (3), for the words "the designated officer or, as the case may be, the Commissioner of Luxury Tax", the words "or, as the case may be, the designated officer" shall be substituted;

(4) in sub-section (5), for the words "Commissioner of Luxury Tax", the words "State Government or, as the case may be, the designated officer" shall be substituted.

8. In the principal Act, in section 13, in sub-section (1), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 13 of Guj. 24 of 1977.

9. In the principal Act, after section 20, the following new sections shall be inserted, namely :—

Insertion of new sections 20A, 20B and 20C in Guj. 24 of 1977.

Power to reduce rate of tax.

"20A. (1) The State Government may, by notification in the *Official Gazette*, reduce any rate of tax specified in sub-section (1) of section 3.

(2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Exemption.

20B. (1) The State Government may, if it considers necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any person or persons to whom any luxury is provided by such hotel or class of hotels from payment of whole or part of the tax, subject to such conditions, as may be specified therein.

(2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which it is so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Liability to
pay tax in
event of
breach of
conditions
of
exemption.

20C. (1) Where any person or persons to whom luxury is provided in a hotel or class of hotels is exempted under section 20B from whole or any part of the tax subject to any condition, then, in the event of breach of any such condition, the proprietor of such hotel shall, notwithstanding such exemption, be liable to pay tax in relation to the luxury provided in such hotel.

(2) If the Collector has reason to believe that the proprietor is liable to pay tax under sub-section (1), he shall serve on the proprietor a notice requiring him on a date and place specified therein, either to attend and produce or cause to be produced all evidence on which such proprietor relies in connection with his liability under this section or to produce such evidence as specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Collector shall, after considering all the evidence which may be produced, assess to the best of his judgement, the amount of tax so due from the proprietor."

Repeal
and
savings.

10. (1) The Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) (Third) Ordinance, 1996 is hereby repealed

Guj.
Ord.
12 of
1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
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The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th February, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 27th February, 1997).

AN ACT

to amend the Gujarat Secondary Education Act, 1972.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Secondary Education (Amendment) Act, 1997.

(2) It shall be deemed to have come into force on the 9th August, 1996.

Short title
 and
 commencement

Amendment
of section 3
of Guj. 18
of 1973.

2. In the Gujarat Secondary Education Act, 1972 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), under the heading "Class B-Elected Members",

Guj. 18 of
1973.

(1) after clause (vi-a), the following clause shall be inserted, namely :—

"(vi-aa) three members elected by the teaching staff of registered higher secondary schools from amongst themselves.";

(2) after the first proviso, the following proviso shall be added, namely :—

"Provided further that for the purpose of clause (vi-aa), the State Government shall, by an order published in the *Official Gazette*, divide the State into three regions each having, as far as possible, an equal number of registered higher secondary schools within the areas comprised therein and the teaching staff of registered higher secondary schools in each such region shall elect one member.";

(3) in the existing third proviso, for the words "Graduate Basic Training College", the words "Graduate Basic Training College or a member of non-teaching staff of registered private secondary schools or of teaching staff of registered higher secondary schools" shall be substituted.

Repeal
and savings.

3. (1) The Gujarat Secondary Education (Amendment) (Third) Ordinance, 1996 and the Gujarat Secondary Education (Amendment) (Third) Amending Ordinance, 1996 are hereby repealed.

Guj. Ord. 13
of 1996.
Guj. Ord. 18
of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th February, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 27th February, 1997).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 1997. Short title and commencement.

(2) It shall be deemed to have come into force on the 7th August, 1996.

2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act"), in section 99, after sub-section (3), the following new sub-sections shall be inserted, namely:— Amendment of section 99 of Guj. X of 1962.

Guj.X of 1962.

"(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), the following disputes or class of disputes, if the plaintiff so desires, shall be decided summarily by the Registrar, or his nominee or board of nominees, in such manner as may be prescribed, namely :—

(a) any dispute for recovery of debt upon promissory note, *hundi*, bill of exchange or bond, with or without interest, whether agreed upon under such instrument or under the bye-laws;

(b) any dispute for recovery of a fixed sum of money or in the nature of debt, with or without interest, arising on a written contract;

(c) any dispute for recovery of price of goods sold and delivered, where the rate, quality and quantity are admitted in writing;

(d) any dispute for recovery of dues payable by a member of a housing society towards contribution for construction of the house, or any dispute in respect of repayment of any loan, interest on loan, ground rent, local authority taxes, sinking fund, water charges, electrical charges, maintenance and upkeep charges or charges for other services rendered by the society and the interest on such arrears, payable under the written agreement or under the bye-laws.

(5) (a) The defendant shall not be entitled to defend the dispute unless he obtains leave from the Registrar, his nominee or, as the case may be, board of nominees, in such manner as may be prescribed.

(b) The Registrar, his nominee or board of nominees may grant the leave under clause (a) on such conditions, as he or it thinks fit.

(c) The Registrar, his nominee or board of nominees shall not refuse the leave to defend the dispute unless he or it satisfies that the facts disclosed by the defendant do not indicate that he has substantial defence to raise or that the defence intended to be put up by him is frivolous or vexatious.

(d) Where the defendant fails to obtain such leave or fails to appear or defend the dispute in pursuance of such leave, the averments made in the plaint and documents produced therewith shall be deemed to have been admitted by the defendant :

Provided that the Registrar, his nominee or board of nominees in his or its discretion may require any fact so admitted to be proved otherwise than by such admission.

(e) Where the conditions on which leave to defend is granted are not complied with by the defendant, the Registrar, his nominee or, as the case may be, board of nominees may pass an award against him, as if he has not been granted such leave.

(f) The Registrar, his nominee or, as the case may be, board of nominees may under special circumstances set aside the award passed by him or it and if necessary, stay or set aside the execution, and may grant leave to the defendant to appear and defend the disputes, if it seems reasonable so to do, and on such terms as he or it thinks fit."

Repeal
and
savings.

and

3. (1) The Gujarat Co-operative Societies (Amendment) (Third) Ordinance, 1996 is hereby repealed. Guj. Ord. 16
of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette* on the 5th March, 1997).

AN ACT

to provide for temporary-increase in the Contingency Fund of the State of Gujarat.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Contingency Fund (Temporary Increase) Act, 1997.

Short title and commencement

(2) It shall be deemed to have come into force on the 22nd October, 1996.

Guj. IV of 1960

2. Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act, 1960, the extent of the sum of fifty crores of rupees specified in section 2 of the said act as the sum to be paid into the Contingency Fund of the State of Gujarat shall, during the period beginning from the commencement of this Act and ending on the 31st March, 1997 be raised to five hundred crores of rupees.

Temporary increase in Contingency Fund of the State.

Guj. Ord. 17 of 1996.

3. The Gujarat Contingency Fund (Temporary Increase) (Second) Ordinance, 1996 is hereby repealed.

Repeal.



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 1997.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 6th March, 1997.)

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

Short title
and
comm-
encement.

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1997.

(2) It shall be deemed to have come into force on the 24th December, 1996.

Amend-
ment of
section 48
of Bom. V
of 1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 48, after sub-section (2), the following new sub-section shall be inserted, namely :—

Bom. V of
1879.

"(2A) Where any land assessed for any purpose is used for a *bonafide* industrial purpose under section 65B and a certificate to that effect is issued to the occupant of such land under that section, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate with effect from the commencement of the revenue year in which the use of land for a *bonafide* industrial purpose is commenced, by such authority and subject to such rules as the State Government may prescribe in this behalf."

Insertion of new
section in
Bom. V
of 1879.

3. In the principal Act, after section 65A, the following new section shall be inserted, namely:—

Use of certain
lands for *bona-
fide* industrial
purpose.

"65B. (1) Notwithstanding anything contained in section 65 or 65A, where—

(a) any land used or held for the purpose of agriculture or, as the case may be, for any non-agricultural purpose not being an industrial purpose is,—

(i) designated for the use of industrial purpose in the draft or final development plan or draft or final town planning scheme under the Gujarat Town Planning and Urban Development Act, 1976; or

President's Act
No. 27 of 1976.

(ii) situated in the area where no plan or scheme referred to in sub-clause (i) is in force and is designated by the State Government, by notification in the *Official Gazette*, for the use of such industrial purpose as may be specified therein, having regard to such factors as may be prescribed by rules made under this Act in this behalf;

Provided that nothing in this sub-clause shall render invalid the use of land for a *bonafide* industrial purpose in pursuance of the provisions of the Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 during the period when the said Ordinance was in force notwithstanding that the said land is not designated for such use under this Act, and

Guj. Ord. 20
of 1996.

(b) the occupant of such land wishes to use such land or part thereof—

(I) for a *bonafide* industrial purpose other than the purpose of manufacture or storage of any chemical or petrochemical,

it shall be lawful for him to use such land for such *bonafide* industrial purpose without the permission of the Collector subject to the fulfilment of the following conditions, namely:—

(a) the occupant has a clear title to such land,

(b) such land or part thereof,—

(i) is not shown as reserved for a public purpose in draft or final development plan or draft or final town planning scheme under the Gujarat Town Planning and Urban Development Act, 1976,

President's Act
No. 27 of 1976.

1 of 1894.

(ii) is not notified for acquisition under the Land Acquisition Act, 1894 or any other law for the time being in force,

(iii) does not fall within the alignment of any road plan prepared by the State Government or the command area of any irrigation project,

(iv) is not situated within thirty metres from the boundary of any land held for the purpose of railway by the Central Government or the Indian Railway Company Ltd., or

(v) is not situated within fifteen metres of the high voltage transmission line;

(vi) is not situated within five kilometres of the periphery of the area within the jurisdiction of any Area Development Authority or Urban Development Authority constituted under the Gujarat Town Planning and Urban Development Act, 1976 :

President's Act
No. 27 of 1976.

Provided that nothing in this item shall render invalid the use of land for a *bonafide* industrial purpose in pursuance of the provisions of the Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 when the said Ordinance was in force notwithstanding that the said land falls within five kilometres of the periphery of the area within the jurisdiction of any Area Development Authority or Urban Development Authority.

Guj. Ord. 20
of 1996.

(II) for the purpose of manufacture or storage of any chemical or petrochemical,

it shall be lawful for him to use such land for such *bonafide* industrial purpose without the permission of the Collector subject to the fulfilment of the following conditions, in addition to the conditions mentioned in sub-clause (I), namely :—

such land or part thereof is not situated within two kilometres from the boundary of—

(i) an ancient monument declared as 'protected monument' under sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904;

(ii) an ancient and historical monument declared as 'protected monument' under sub-section (3) of section 4 of the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965;

Guj. 25 of 1965.

(iii) a forest land or waste land declared as 'reserved forest land' under section 3 of the Indian Forest Act, 1927;

XVI of 1927.

(iv) a forest land or waste land known as 'protected forest' under section 29 of the Indian Forest Act, 1927;

XVI of 1927.

(v) an area declared as 'sanctuary' under sub-section (1) of section 18 of the Wild Life (Protection) Act, 1972; or

53 of 1972.

(vi) an area declared as 'national park' under section 35 of the Wild Life (Protection) Act, 1972.

53 of 1972.

(2)(a) The occupant shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority in relation to use of land for a *bonafide* industrial purpose under sub-section (1) before the land is put to use for such purpose.

(b) Where an occupant commences the use of the land for a *bonafide* industrial purpose under sub-section (1), he shall within thirty days from the date of commencement of the use of land for a *bonafide* industrial purpose, send a notice of the date of commencement of such use, alongwith other particulars in such form as may be prescribed by rules made under this Act, to the Collector and endorse a copy thereof to the Mamlatdar.

(3) Where, on the receipt of such notice alongwith other particulars sent by the occupant under clause (b) of sub-section (2), the Collector, after making such inquiry as he deems fit—

(a) is satisfied that the occupant of such land has validly commenced the use of the land for a *bonafide* industrial purpose under sub-section (1), he shall issue a certificate to that effect to the occupant in such form and within such period as may be prescribed by rules made under this Act,

(b) is not so satisfied, he shall, after giving the occupant an opportunity of being heard, refuse to issue such certificate :

Provided that no such certificate shall be issued under clause (a) unless the conversion tax leviable under section 67A is paid.

(4)(a) Where the occupant fails to send the notice and other particulars under clause (b) of sub-section (2) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding ten thousand rupees as the Collector may, subject to rules made under this Act, direct.

(b)(i) Where the occupant commences the use of such land for industrial purpose despite the non-fulfilment of any of the conditions specified in sub-section (1), or

(ii) where certificate is refused to the occupant under clause (b) of sub-section (3),

he shall be liable, in addition to the payment of non-agricultural assessment leviable under this Act, to restore such land to its original use within such period as the Collector may specify in a notice served on such occupant in this behalf.

(c) Where such occupant does not restore the land to its original use within the period specified by the Collector in the notice served under clause (b),—

(i) he shall be liable to pay such fine not exceeding five thousand rupees and in addition, such daily fine not exceeding one hundred rupees per hectare or part thereof of land not so restored for each day during which such land is not restored to its original use, after the expiry of the period specified in such notice as the Collector may, subject to rules made under this Act, direct, and

(ii) the Collector shall take such steps as he thinks fit to get such land restored to its original use and collect the cost incurred in this behalf from such occupant as an arrear of land revenue.

(5)(a) The occupant shall commence industrial activity on such land within three years from the date of the notice sent by him to the Collector under clause (b) of sub-section (2) and commence production of goods or providing of services on such land within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the occupant in that behalf, be extended from time to time by the Collector in such circumstances as may be prescribed by rules made under this Act.

(b) Where the occupant fails to commence industrial activity or production of goods or providing of services within the period specified in clause (a) or the period extended under the proviso to clause (a), he shall be liable to pay, in addition to non-agricultural assessment leviable under section 48, non-agricultural assessment at the rate of five rupees per square metre of the land with effect from the date of expiry of the period of three years or five years or, as the case may be, the period extended under the proviso to clause (a) till he commences industrial activity or, as the case may be, commences production of goods or providing of services.

Explanation I.—For the purposes of this section, section 48 and section 67A, the expression "*bonafide industrial purpose*" means an activity of manufacture, preservation or processing of goods, (other than the hazardous and toxic chemicals specified in Part II of the Schedule I to the Manufacture, Stages and Import of Hazardous Chemicals Rules, 1989 made under the Environment (Protection) Act, 1986 and for the time being in force) or any handicraft, or industrial business or enterprise, carried on by any person and includes construction of industrial buildings used for the manufacturing process or purpose, or power projects or port projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned, or providing housing accommodation to the workers of the industry concerned, or establishment of industrial estate including a co-operative estate or service industry or tourism or cottage industry.

Explanation II.—For the purposes of this section, an occupant shall be deemed to have commenced the use of land for a *bonafide industrial purpose* from the date on which he ceases to use the land for agricultural or non-agricultural purpose existing immediately before the date of such cesser."

Amendment of
section 67A of
Bom. V of
1879.

4. In the principal Act, in section 67A,—

(1) in sub-section (1),—

(a) in clause (b), for the words "in that section", the words "in that section, or" shall be substituted;

(b) after clause (b), the following clause shall be added, namely :—

"(c) is used for a *bonafide* industrial purpose under section 65B,";

(2) in sub-section (2), in the proviso, for the words "under this sub-section", the words, brackets, figure and letter "under this sub-section or under sub-section (2A)" shall be substituted;

(3) after sub-section (2) but before the proviso, the following new sub-section shall be inserted, namely :—

"(2A) Where any land assessed or held for any non-agricultural purpose not being an industrial purpose (hereinafter referred to as "the existing non-agricultural purpose") and situated in a specified area is used for a *bonafide* industrial purpose under section 65B, the occupant of such land shall be liable to pay to the State Government a tax at such rate as is equivalent to the difference between the rate of tax applicable to the industrial purpose specified in the corresponding entry in column (6) of the Table below and the rate of tax applicable to the existing non-agricultural purpose specified in columns (3), (4) and (5) of the Table below."

Amendment of
section 214 of
Bom. V of
1879.

5. In the principal Act, in section 214, in sub-section (2), clause (h) shall be renumbered as clause (gi) and after clause (gi) as so renumbered, the following clause shall be inserted, namely :—

"(h) the form of notice and the particulars to be sent under clause (b) of sub-section (2), the form of and the time within which a certificate is to be issued under sub-section (3), the rules subject to which the Collector may direct payment of fine under clauses (a) and (c) and the form of notice to be served under clause (b) of sub-section (4), and the circumstances in which the period may be extended under the proviso to clause (a) of sub-section (5), of section 65B."

Repeal
and savings.

6. (1) The Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 is hereby repealed.

Guj.
Ord. 20
of 1996.

(2) Notwithstanding such repeal, any thing done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 1997, is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARATACT NO. 7 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 6th March, 1997).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 1997.

Short title and commencement.

(2) It shall be deemed to have come into force on the 24th December, 1996.

Bom.
LXVII
of 1948.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Bombay Tenancy and Agricultural Lands Act"), in section 43, —

Amendment of section 43 of Bom. LXVII of 1948.

(1) after sub-section (1B), the following new sub-section shall be inserted, namely :—

"(1C) The land to which sub-section (1) applies and for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 for use of such land for a *bonafide* industrial purpose may, notwithstanding anything contained in sub-section (1) of this section, be sold without the previous sanction of the Collector under sub-section (1) but subject to payment of such amount as may be determined by the State Government under sub-section (1).";

Bom. V
of 1879.

(2) in sub-section (2), after the words, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1C)" shall be inserted.

Insertion of new
section in Bom.
LXVII of 1948.

3. In the Bombay Tenancy and Agricultural Lands Act, after section 63A, the following new section shall be inserted, namely :—

Sale of land for
bonafide in-
dustrial purpose
permitted in cer-
tain cases.

"63AA. (1) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose :

Bom. V
of 1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976,

33 of 1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of the land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser;

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area,

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879.

Bom. V
of 1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form along with such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 63.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence industrial activity on such land within three years from the date of such certificate and commence production of goods or providing of services within five years from such date.

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed.

(5) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

Amendment of
section 82
of Bom. LXVII
of 1948.

4. In the Bombay Tenancy and Agricultural Lands Act, in section 82, in sub-section (2), after clause (ka), the following new clause shall be inserted, namely :—

"(kaa) the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (3) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (4), of section 63AA;"

Insertion of new
section in Sau.
Ord. XLI of
1949.

5. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, Sau. Ord. XLI of 1949 (hereinafter referred to as "the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance"), after section 54, the following new section shall be inserted, namely :—

Sale of land for
bonafide in-
dustrial purpose
permitted in cer-
tain cases.

"55. (1) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose :

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (a) of section 2, of the Urban Land (Ceiling and Regulation) Act, 1976, 33 of 1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser;

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area,

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879. Bom. V of 1879.

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Ordinance, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Ordinance, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(3)(a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (2) shall commence industrial activity on such land within three years from the date of certificate and commence production of goods or providing of services within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed.

(4) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

6. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, in section 73, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

Amendment of section 73 of Sau. Ord. XLI of 1949.

"(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

- (a) the manner of determining debts and liabilities under section 43;
- (b) the manner of notifying liquidation scheme sanctioned under section 47;
- (c) the conditions subject to which permission to acquire land or interest therein may be granted under section 54;
- (d) the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (2) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (3), of section 55; and
- (e) any other matter which is to be or may be prescribed under this Ordinance.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

(4) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any modifications so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect."

Amendment of section 57 of Bom. XCIX of 1958.

7. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as "the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act"), in section 57,—

Bom. XCIX of 1958.

(1) after sub-section (1), the following new sub-section shall be inserted, namely :—

"(1A) The land to which sub-section (1) applies and for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 for use of such land for a *bonafide* industrial purpose may, notwithstanding anything contained in sub-section (1) of this section, be sold without the previous sanction of the Collector under sub-section (1).";

Bom. V of 1879.

(2) in sub-section (2), after the words, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

Insertion of new section in Bom. XCIX of 1958.

8. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, after section 89, the following new section shall be inserted, namely :—

Sale of land for *bonafide* industrial purpose permitted in certain cases.

"89A.(1) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose :

Bom. V of 1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976,

33 of 1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State, or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of the land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser :

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area.

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879. Bom. V
of 1879.

(2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 89.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3), shall commence industrial activity on such land within three years from the date of such certificate and commence production of goods or providing of services within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing authorise in this behalf, in such circumstances as may be prescribed.

(5) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

Amendment of
section 118 of
Bom. XCIX of
1938.

9. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 118, in sub-section (2), after clause (xix), the following new clause shall be inserted, namely :—

"(xix-a) the form of notice and particulars to be sent under clause (a), the rules subject to which Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (3) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (4), of section 89A;"

Repeal
and savings.

10. (1) The Gujarat Tenancy and Agricultural Lands Laws (Amendment) (Second) Ordinance, 1996, is hereby repealed. Guj. Ord. 21 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the respective Acts, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 14th March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO 8 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 15th March, 1997).

AN ACT

*to validate the levy and collection of tax on milk powder under the
Gujarat Sales Tax Act, 1969.*

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Sales Tax (Validation) Act, 1997. (1)

(2) It shall be deemed to have come into force on the 11th January, 1997

2. In this Act, unless the context otherwise requires—

(a) "the Act" means the Gujarat Sales Tax Act, 1969;

(b) the expressions "dealer" and "tax" shall have the meanings as respectively assigned to them in clauses (10) and (32) of section 2 of the Act.

Short title
and
commen-
cement:

Defini-
tions.

Guj. 1 of
1970.

3. (1) Notwithstanding any judgement, decree or order of any court, tribunal or authority to the contrary—

Validation of levy and collection of tax on milk powder under the Act

(a) in sub-entry (i) of entry 10 of Schedule I to the Gujarat Sales Tax Act, 1969 as in force before the date of the commencement of the Gujarat Sales Tax (Second Amendment) Act, 1992 (hereinafter referred to as "the said date"), the words "except milk powder" shall be and shall be deemed always to have been added at the end and formed part of the said sub-entry (i) before the said date;

Guj. 1 of 1970.

Guj. 9 of 1992.

(b) a tax on milk powder levied, assessed, re-assessed or collected or purported to have been levied, assessed, re-assessed or collected under the Act before the said date shall be and shall be deemed always to have been validly levied, assessed, re-assessed or collected in accordance with law, as if the said sub-entry (i) of entry 10 as so construed had been in force at all material times when the said tax was levied, assessed, re-assessed or collected, and accordingly—

(i) no suit, appeal, application or other proceeding shall be maintained or continued in any court or before any tribunal or authority whatsoever for the refund of the said tax,

(ii) no court, tribunal or other authority shall enforce any decree or order directing refund of the said tax,

(iii) recoveries shall be made in accordance with the provisions of the Act, of all amounts collected by dealers by way of such tax under the Act, as if, the said sub-entry (i) of entry 10 as so construed had been in force at all material times.

(2) For the removal of doubt, it is hereby declared that—

(a) nothing in sub-section (1) shall be construed as preventing any person—

(i) from questioning, in accordance with the provisions of the Act, the levy, assessment, re-assessment or collection of the aforesaid tax as so validated under sub-section (1), or

(ii) from claiming, in accordance with the provisions of the Act, refund of the aforesaid tax as so validated under sub-section (1) and paid by him in excess of the amount due from him,

(b) no act or omission on the part of any person before the said date, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

4. (1) The Gujarat Sales Tax (Validation) Ordinance, 1997 is hereby repealed.

Guj. Ord. 1 of 1997.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Act, as amended by this Act.



The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1997.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 1997. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of two thousand one hundred eighty-eight crores, thirty-one lakhs, thirty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1997, in respect of the services and purposes specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

Issue of
17-2-1997
31-3-1997 from
and out of the
Consolidated
Fund of the
State of Gujarat
for the financial
year 1996-97.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
1	Agriculture,Cooperation and Rural Development Department	Revenue	13,02,000	—	13,02,000
2	Agriculture	Revenue	6,90,58,000	62,000	6,91,20,000
		Capital	56,78,000	—	56,78,000
3	Minor Irrigation,Soil Conservation and Area Development	Revenue	5,12,57,000	—	5,12,57,000
		Capital	25,00,000	—	25,00,000
4	Animal Husbandry and Dairy Development	Revenue	7,29,72,000	83,000	7,30,55,000
		Capital	1,50,00,000	—	1,50,00,000
5	Co-operation	Revenue	9,99,34,000	—	9,99,34,000
		Capital	4,32,59,000	—	4,32,59,000
6	Other expenditure pertaining to Agriculture,Cooperation and Rural Development Department	Revenue	—	18,18,50,000	18,18,50,000
		Capital	92,40,000	—	92,40,000
7	Education Department	Revenue	19,80,000	—	19,80,000
8	Education	Revenue	1,32,95,85,000	1,25,22,000	1,34,21,07,000
		Capital	—	—	—
9	Other expenditure pertaining to Education Department	Revenue	13,26,000	—	13,26,000
		Capital	86,38,000	—	86,38,000
10	Energy & Petro- Chemicals Department	Revenue	25,000	—	25,000
11	Tax Collection Charges (Energy & Petro- Chem. Department)	Revenue	—	—	—

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
12	Energy Projects	Revenue	6,67,81,00,000	—	6,67,81,00,000
		Capital	—	—	—
13	Other expenditure pertaining to Energy & Petro-Chemicals Department	Capital	10,00,00,000	—	10,00,00,000
14	Finance Department	Revenue	18,64,000	—	18,64,000
		Capital	—	—	—
15	Tax Collection Charges (Finance Department)	Revenue	3,16,21,000	—	3,16,21,000
16	Treasury & Accounts Administration	Revenue	1,52,61,000	43,000	1,53,04,000
17	Pension & Other Retirement Benefits	Revenue	91,10,20,000	—	91,10,20,000
18	Other expenditure pertaining to Finance Department	Revenue	1,000	—	1,000
		Capital	5,31,94,83,000	—	5,31,94,83,000
19	Repayment of debt pertaining to Finance Department	Revenue	—	15,80,41,000	15,80,41,000
		Capital	—	7,58,32,000	7,58,32,000
20	Food & Civil Supplies Department	Revenue	39,95,000	—	39,95,000
21	Civil Supplies	Revenue	5,76,47,000	—	5,76,47,000
		Capital	3,00,00,000	—	3,00,00,000
22	Food	Revenue	1,19,64,000	26,000	1,19,90,000
		Capital	53,74,000	—	53,74,000
23	Other expenditure pertaining to Food & Civil Supplies Department	Revenue	—	19,000	19,000
		Capital	13,40,000	—	13,40,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
24	Forest and Environment Department	Revenue 22,50,000	5,00,000	27,50,000
25	Forest	Revenue 4,87,33,000	4,72,000	4,92,05,000
		Capital —	—	—
26	Environment	Revenue 10,00,000	—	10,00,000
27	Other expenditure pertaining to Forest and Environment Department	Capital 25,33,000	—	25,33,000
28	Governor	Revenue —	41,20,000	41,20,000
29	Council of Ministers	Revenue 18,85,000	—	18,85,000
30	Elections	Revenue 15,06,32,000	—	15,06,32,000
31	Public Service Commission	Revenue —	11,25,000	11,25,000
32	General Administration Department	Revenue 3,000	5,000	8,000
33	Economic Advice & Statistics	Revenue 31,86,000	—	31,86,000
34	Other expenditure pertaining to General Administration Department	Revenue 7,16,000	—	7,16,000
		Capital 8,60,000	—	8,60,000
35	State Legislature	Revenue —	2,50,000	2,50,000
36	Loans & Advances to Government Servants in Gujarat Legislature Secretariat	Capital 4,00,000	—	4,00,000
37	Health and Family Welfare Department	Revenue 45,00,000	—	45,00,000
38	Medical and Public Health	Revenue 29,27,97,000	4,13,000	29,32,10,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
39	Family Welfare	Revenue	1,51,20,000	1,51,20,000
40	Water Supply	Revenue	5,30,000	5,30,000
		Capital	30,00,00,000	30,00,00,000
41	Other expenditure pertaining to Health and Family Welfare Department.	Revenue	1,000	1,77,000
		Capital	1,28,30,000	1,28,30,000
42	Home Department	Revenue	75,21,000	2,000
43	Police	Revenue	46,27,07,000	1,69,84,000
44	Jails	Revenue	2,63,00,000	—
45	Transport	Revenue	6,25,50,000	—
46	Other expenditure pertaining to Home Department	Revenue	1,13,31,000	5,05,000
		Capital	78,96,000	—
47	Industries & Mines Department.	Revenue	13,25,000	—
48	Stationery and Printing	Revenue	1,51,68,000	—
49	Industries	Revenue	5,00,000	—
		Capital	2,000	—
50	Mines and Minerals	Revenue	—	37,000
51	Other expenditure pertaining to Industries and Mines Department.	Revenue	—	30,000
		Capital	29,28,000	—
52	Information, Broadcasting and Tourism Department	Revenue	2,25,000	—
53	Information and Publicity	Revenue	—	—
54	Tourism	Revenue	—	—
		Capital	—	—

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue 12,25,000 Capital 12,70,000	— —	12,25,000 12,70,000
56	Labour and Employment Department	Revenue 14,68,000	—	14,68,000
57	Labour and Employment	Revenue 4,17,08,000 Capital —	3,65,000 —	4,20,73,000 —
58	Other expenditure pertaining to Labour and Employment Department	Capital 5,30,000	—	5,30,000
59	Legal Department	Revenue 19,00,000 Capital —	— —	19,00,000 —
60	Administration of Justice	Revenue 2,97,34,000	1,98,75,000	4,96,09,000
61	Other expenditure pertaining to Legal Department	Revenue — Capital 26,08,000	— —	— 26,08,000
62	Legislative and Parliamentary Affairs Department	Revenue 1,000	—	1,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital 1,14,000	—	1,14,000
64	Narmada and Water Resources Department	Revenue 16,30,000	—	16,30,000
65	Narmada Development Scheme	Capital 95,00,00,000	—	95,00,00,000
66	Irrigation and Soil Conservation	Revenue 9,14,60,000 Capital 80,30,00,000	1,13,29,000 3,04,65,000	10,27,89,000 83,34,65,000
67	Other expenditure pertaining to Narmada and Water Resources Department	Revenue — Capital 1,13,32,000	6,56,75,000 —	6,56,75,000 1,13,32,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
66	Panchayats and Rural Housing Department	Revenue 18,16,000	—	18,16,000
69	Community Development	Revenue 9,64,82,000	—	9,64,82,000
70	Rural Housing	Revenue 27,90,000 Capital —	13,19,02,000 —	13,46,92,000 —
71	Compensation and Assignments	Revenue 3,54,87,000	—	3,54,87,000
72	Other expenditure pertaining to Panchayats and Rural Housing Department.	Revenue 8,10,61,000 Capital 1,28,77,000	— —	8,10,61,000 1,28,77,000
73	Fisheries	Revenue 3,68,51,000 Capital 2,02,00,000	— —	3,68,51,000 2,02,00,000
74	Other expenditure pertaining to Ports and Fisheries Department	Revenue 3,41,000 Capital 8,54,000	— —	3,41,000 8,54,000
75	Revenue Department	Revenue 48,28,000	—	48,28,000
76	Tax Collection Charges (Revenue Department)	Revenue 73,22,000	19,04,000	92,26,000
77	District Administration	Revenue 23,12,78,000	—	23,12,78,000
78	Relief on Account of Natural Calamities	Revenue 25,00,00,000 Capital 36,25,000	— —	25,00,00,000 36,25,000
79	Dang District	Revenue 1,80,64,000	—	1,80,64,000
80	Compensation and Assignments.	Revenue 5,46,25,000 Capital —	— —	5,46,25,000 —
81	Other expenditure pertaining to Revenue Department	Revenue 8,16,000 Capital 1,17,08,000	— —	8,16,000 1,17,08,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
82	Roads and Buildings Department	Revenue	11,20,000	—	11,20,000
83	Non-Residential Buildings	Revenue	7,67,92,000	22,84,000	7,90,76,000
		Capital	1,000	—	1,000
84	Residential Buildings	Revenue	1,66,55,000	—	1,66,55,000
		Capital	—	—	—
85	Roads and Bridges	Revenue	32,51,81,000	50,15,000	33,01,96,000
		Capital	26,08,61,000	11,56,000	26,20,17,000
86	Gujarat Capital Construction Scheme	Revenue	36,00,000	—	36,00,000
		Capital	18,00,000	9,12,000	27,12,000
87	Other expenditure pertaining to Roads and Building Department	Revenue	1,86,30,000	1,10,26,000	2,96,56,000
		Capital	3,52,77,000	—	3,52,77,000
88	Social Welfare and Tribal Development Department	Revenue	12,30,000	—	12,30,000
89	State Excise	Revenue	24,00,000	—	24,00,000
90	Social Security and Welfare	Revenue	15,85,74,000	—	15,85,74,000
		Capital	—	—	—
91	Welfare of Scheduled Tribes	Revenue	1,000	—	1,000
		Capital	—	—	—
92	Other expenditure pertaining to Social Welfare Department	Capital	28,76,000	—	28,76,000
93	Special Component Plan for Scheduled Castes	Revenue	—	—	—
		Capital	1,56,44,000	—	1,56,44,000
94	Tribal Area Sub Plan	Revenue	26,61,03,000	11,14,000	26,72,17,000
		Capital	15,37,97,000	5,88,000	15,43,85,000

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
95	Urban Development and Urban Housing Department	Revenue	—	—	—
96	Urban Housing	Revenue	5,00,30,000	2,96,00,000	7,96,30,000
		Capital	21,05,88,000	—	21,05,88,000
97	Urban Development	Revenue	9,75,30,000	—	9,75,30,000
		Capital	—	—	—
98	Compensation, Assignment and Tax Collection Charges	Revenue	8,00,00,000	20,00,00,000	28,00,00,000
99	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	—	—	—
		Capital	41,86,000	—	41,86,000
100	Youth Services and Cultural Activities Department	Revenue	2,15,000	—	2,15,000
101	Youth Services and Cultural Activities	Revenue	82,64,000	—	82,64,000
102	Other expenditure pertaining to Youth Services and Cultural Activities Department	Capital	6,15,000	—	6,15,000
Total :		Revenue	12,54,51,04,000	85,73,55,000	13,40,24,59,000
		Capital	8,37,17,24,000	10,89,53,000	8,48,06,77,000
Grand Total :			20,91,68,28,000	96,63,08,000	21,88,31,36,000



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 1997. Short title and commencement.

(2) It shall come into force on the 1st April, 1997.

Bom. LX of 1958. 2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in Schedule I,— Amendment of Schedule I to Bom. LX of 1958.

(1) for article 6, the following shall be substituted, namely :—

"6. AGREEMENT OR MEMORANDUM OF AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN, PLEDGE OR HYPOTHECATION, that is to say any instrument evidencing an agreement or memorandum of agreement relating to—

(1) the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), where such deposit has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement,—

(i) where the amount of loan or debt does not exceed Rs. 15,00,000

Fifty paise for every hundred rupees or part thereof.

(ii) where it exceeds Rs. 15,00,000

Subject to maximum of one lakh rupees, one rupee for every hundred rupees or part thereof.

(b) if such loan or debt is repayable not more than three months from the date of such instrument

Half the duty payable under sub-clause (a).

(2) the pawn, pledge or hypothecation of movable property, where such pawn, pledge or hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(i) where the amount of loan or debt does not exceed Rs. 5,00,000

Nil.

(ii) where it exceeds Rs. 5,00,000

One hundred rupees for every one lakh rupees or part thereof."

(2) in article 20,—

(i) after clause (c), the following clause shall be inserted, namely :—

"(d) Conveyance, so far as it relates to amalgamation of companies under the order of the High Court under section 394 of the Companies Act, 1956.

Two rupees for every hundred rupees or part thereof of the market value of the property which is the subject matter of such conveyance."; 1956.

(ii) after *Explanation II*, the following *Explanation* shall be inserted, namely :—

"*EXPLANATION III*, — For the purposes of clause (d), the market value of the property shall be deemed to be the amount of total value of shares issued or allotted by the transferee company, either in exchange or otherwise, and the amount of consideration, if any, paid for such amalgamation.";

(3) in article 30, after clause (c), the following clause shall be inserted, namely :—

"(d) where the lease relates to movable property.

Two rupees for every hundred rupees or part thereof on the amount of average annual rent plus the total amount of fine or premium or money advanced or to be advanced, irrespective of the period for which such lease or agreement to lease is executed."



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

further to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1997.

Short title
and
commence-
ment.

(2) It shall come into force on the 1st April, 1997.

President's Act
No. 11 of 1976.

2. In the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976, in Schedule I,—

Amendment of
Schedule I to
President's
Act No. 11
of 1976.

(1) in entry 1, for items (i) to (iv), the following items shall be substituted, namely :—

"(i) less than Rs. 3,000	Nil.
(ii) Rs. 3,000 or more but less than Rs. 6,000	Rs. 20 per month.
(iii) Rs. 6,000 or more but less than Rs. 9,000	Rs. 40 per month.
(iv) Rs. 9,000 or more but less than Rs. 12,000	Rs. 60 per month.
(v) Rs. 12,000 or more	Rs. 80 per month."

(2) in entry 2,—

(a) in clause (1), in columns 2 and 3, for the portion beginning with the words "where the standing in the profession" and ending with the letters, figures and words "Rs. 250 every year", the following shall be substituted, namely:—

"(A) where the person is not liable to income tax and whose standing in the profession or calling mentioned above is—

(i) upto five years	Nil
(ii) more than five years but not more than ten years	Rs. 150 every year.
(iii) more than ten years	Rs. 500 every year.

(B) where the person is liable to income tax and engaged in the profession or calling mentioned above Rs. 1,000 every year."

(b) in clause (2), for the letters and figures "Rs. 10,000", the letters and figures "Rs. 36,000" shall be substituted;

(3) in entry 3,—

(a) in items (i), (ii), (iii) and (iv), in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 500" shall be substituted;

(b) for item (v), the following shall be substituted, namely :—

"(v) Companies registered under the Companies Act, 1956 and engaged in any profession, trade or calling—

(a) Private Limited Companies Rs. 500 every year.

(b) Public Limited Companies Rs. 1,000 every year."

(c) in items (vi) and (vii), in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 1,000" shall be substituted;

(d) in items (ix) and (x), in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 500" shall be substituted;

(4) in entry 4,—

(a) in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 500" shall be substituted;

(b) in the Exemptions,—

(i) in para (1), for the words "one lakh of rupees", the words "five lakhs of rupees" shall be substituted;

(ii) in para (2), for the words "ten thousand rupees", the words "thirty-six thousand rupees" shall be substituted;

(5) in entry 5, in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 500" shall be substituted;

(6) in entry 7, for items (i) to (iii), the following items shall be substituted, namely :-

(i) not more than Rs. 2,50,000	Nil.
(ii) more than Rs. 2,50,000 but not more than Rs. 5,00,000	Rs. 250 every year.
(iii) more than Rs. 5,00,000 but not more than Rs. 10,00,000	Rs. 500 every year.
(iv) more than Rs. 10,00,000	Rs. 1,000 every year."

(7) in entry 8, in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 1,000" shall be substituted;

(8) in entry 9,—

(a) in item (i), in column 3, for the letters and figures "Rs. 250", the letters and figures "Rs. 500" shall be substituted;

(b) in item (ii), in column 3, for the letters and figures "Rs. 200", the letters and figures "Rs. 250" shall be substituted;

(9) in entry 10, in column 3, for the letters and figures "Rs. 150", the letters and figures "Rs. 250" shall be substituted.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

to amend the Bombay Motor Vehicles Tax Act, 1958

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1997

Short title and commencement

(2) It shall come into force on the 1st April, 1997.

Bom. LXV of 1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in the First Schedule, in Part I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres", for clause III, the following shall be substituted, namely:—

Amendment of First Schedule to Bom. LXV of 1958.

"III. Motor vehicles (including tricycles) used for the carriage of goods or materials —

(a)	Vehicles the registered laden weight of which does not exceed 750 KG	800
(b)	Vehicles the registered laden weight of which exceeds 750 KG but does not exceed 1500 KG	1200
(c)	Vehicles the registered laden weight of which exceeds 1500 KG but does not exceed 3000 KG	1900
(d)	Vehicles the registered laden weight of which exceeds 3000 KG but does not exceed 4500 KG	2100
(e)	Vehicles the registered laden weight of which exceeds 4500 KG but does not exceed 6000 KG	3100
(f)	Vehicles the registered laden weight of which exceeds 6000 KG but does not exceed 7500 KG	3800
(g)	Vehicles the registered laden weight of which exceeds 7500 KG	The rate specified in (f) above plus Rs. 275 for every 250 KG or part thereof in excess of 7500 KG :

Provided that where a tax on motor vehicles is levied by any local authority the maximum annual rates of tax under this clause for motor vehicles registered for use solely within the limits of such local authority shall,—

(i) in cases where such motor vehicles are wholly or partially exempted by such local authority from the tax levied by such local authority, be the rates specified in this clause;

(ii) in any other case, be two-thirds of the rates so specified."

3. In the principal Act, in the Second Schedule, in Part-I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres", in clause III, for entries (a), (b) and (c), the following shall be substituted, namely:—

- | | |
|--|--------|
| (a) Vehicles not exceeding 750 KG in weight, unladen. | 11000 |
| (b) Vehicles exceeding 750 KG in weight, unladen, but not exceeding 1000 KG in weight, unladen. | 16000 |
| (c) Vehicles exceeding 1000 KG in weight, unladen, but not exceeding 1250 KG in weight, unladen. | 21000 |
| (d) Vehicles exceeding 1250 KG in weight, unladen, but not exceeding 1500 KG in weight, unladen. | 24000 |
| (e) Vehicles exceeding 1500 KG in weight, unladen, but not exceeding 2250 KG in weight, unladen. | 30000. |

4. In the principal Act, in the Third Schedule, in Part-I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres", for clause III, the following shall be substituted, namely:—

"III. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule—

- (i) owned by an individual, a local authority, a public trust, a University, or an educational or social welfare institution —

Maximum rate of lump sum tax.

		Vehicles not exceeding 750KG in weight, unladen.	Vehicles exceeding 750 KG in weight, unladen but not exceeding 1000KG in weight, unladen.	Vehicles exceeding 1000KG in weight, unladen but not exceeding 1250KG in weight, unladen.	Vehicles exceeding 1250KG in weight, unladen but not exceeding 1500KG in weight, unladen.	Vehicles exceeding 1500KG in weight, unladen but not exceeding 2250KG in weight, unladen.
		Rs. (a)	Rs. (b)	Rs. (c)	Rs. (d)	Rs. (e)
If the vehicle is already registered and its age from the month of registration is—						
(i)	not more than 2 years.	10450	15200	19950	22800	28500
(ii)	more than 2 years but not more than 3 years.	9900	14400	18900	21600	27000
(iii)	more than 3 years but not more than 4 years.	9350	13600	17850	20400	25500
(iv)	more than 4 years but not more than 5 years.	8800	12800	16800	19200	24000
(v)	more than 5 years but not more than 6 years.	8250	12000	15750	18000	22500
(vi)	more than 6 years but not more than 7 years.	7700	11200	14700	16800	21000
(vii)	more than 7 years but not more than 8 years.	7150	10400	13650	15600	19500
(viii)	more than 8 years but not more than 9 years.	6600	9600	12600	14400	18000

	(a)	(b)	(c)	(d)	(e)
(ix) more than 9 years but not more than 10 years.	6050	8800	11550	13200	16500
(x) more than 10 years but not more than 11 years.	5500	8000	10500	12000	15000
(xi) more than 11 years but not more than 12 years.	4950	7200	9450	10800	13500
(xii) more than 12 years but not more than 13 years.	4400	6400	8400	9600	12000
(xiii) more than 13 years but not more than 14 years.	3850	5600	7350	8400	10500
(xiv) more than 14 years.	3300	4800	6300	7200	9000
(v) owned by a person other than an individual, a local authority, a public trust, a University or an educational or social welfare institution.	Twice the rates specified above.				



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**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

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KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

to repeal the Gujarat Carriage of Goods Taxation Act, 1962.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Carriage of Goods Taxation Short title.
(Repeal) Act, 1997.

Guj. XXXIII
of 1962.

2. On and from the 1st April, 1997, the Gujarat Carriage of Goods
Taxation Act, 1962 shall stand repealed.

Repeal of
Guj. XXXIII
of 1962.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

further to amend the Gujarat Entertainments Tax Act, 1977

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 1997. Short title and commencement.

(2) It shall come into force on the 1st April, 1997.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 2, for clause (f), the following shall be substituted, namely :— Amendment of section 2 of Guj. 16 of 1977.

"(f) "local area" means—

Bom. LIX of 1949.

(i) a City as defined in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949;

(ii) a municipal borough as defined in clause (13) of section 2 of the ^{Guj. 34 of 1964} Gujarat Municipalities Act, 1963;

(iii) a village as specified by the Governor under clause (g) of article 243 of the Constitution of India;

(iv) a taluka or a district as defined in clause (25) or, as the case may be, ^{Guj. 18 of 1993} clause (5) of section 2 of the Gujarat Panchayats Act, 1993;

(v) a cantonment as constituted for the time being under the Cantonments ^{2 of 1924} Act, 1924."

Amendment of
section 6 of
Guj. 16 of
1977.

3. In the principal Act, in section 6, —

(1) in sub-section (3), for the words, brackets and figure "in sub-section (5)", the words and letter "in Schedule I" shall be substituted;

(2) in sub-section (5), in the *Explanation*, for clause (i), the following shall be substituted, namely:—

"(i) the expression "specified area" means a local area, the population of which is within the limits shown in column 3 of Schedule I against any of the serial numbers mentioned in column 1 thereof :

Provided that where any specified area is within a radius of five kilometres from any other local area, the population of which is more than three lakhs, such specified area shall not be construed to be a specified area for the purpose of this section; "

Amendment of
section 6B of
Guj. 16 of
1977.

4. In the principal Act, in section 6B, —

(1) in sub-section (1), for the heading "For other areas", the heading "For the area other than urban area and rural area" shall be substituted;

(2) in the *Explanation*, —

(i) for clause (a), the following shall be substituted, namely :—

"(a) the expression "urban area" means—

(i) a City as defined in clause (3) of section 2 of the ^{Bom. XIX of 1949} Bombay Provincial Municipal Corporations Act, 1949;

(ii) a municipal borough as defined in clause (13) of section 2 of ^{Guj. 34 of 1964} the Gujarat Municipalities Act, 1963;

(iii) a cantonment as constituted for the time being under the ^{2 of 1924} Cantonments Act, 1924."

(ii) for clause (b), the following shall be substituted, namely :—

"(b) the expression "rural area" means the area of a village specified by the Governor under clause (g) of article 243 of the Constitution of India :

Bom. LIX of 1949: 34 of 1964: Provided that where any area of a village is within a radius of five kilometres from any City as defined in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949 or from any municipal borough as defined in clause (13) of section 2 of the Gujarat Municipalities Act, 1963, such area shall not be construed as rural area.

5. In the principal Act, for Schedule I, the following shall be substituted, namely:—

Substitution of Schedule I to Gul. 16 of 1977.

"SCHEDULE — I

(See section 6)

The rates of tax.

Sr. No.	Class of specified area	Limit of population	Rate of tax for cinema (other than touring cinema)	Rate of tax for touring cinema
(1)	(2)	(3)	(4)	(5)
1.	A	1 to 15,000	Twenty per cent. of gross tax collection of a show multiplied by twelve.	Twenty per cent. of gross-tax collection of a show multiplied by seven.
2.	B	15,001 to 50,000	Thirty per cent. of gross tax collection of a show multiplied by fourteen.	Thirty per cent. of gross tax collection of a show multiplied by seven.
3.	C	50,001 to 1,00,000	Thirty-five per cent. of gross tax collection of a show multiplied by twenty-four.	Thirty-five per cent. of gross tax collection of a show multiplied by seven.
4.	D	1,00,001 to 5,00,000	Forty per cent. of gross tax collection of a show multiplied by twenty-six.	Thirty-five per cent. of gross tax collection of a show multiplied by seven.

Explanation.—The population in relation to the specified area means the population thereof as ascertained at the last preceding census of which the relevant figures have been published.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 1997.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 26th March, 1997.)

AN ACT

further to amend the Gujarat Sales Tax Act, 1969

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 1997.

Short title
and commen-
cement.

(2) It shall come into force on the 1st April, 1997.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 2,—

Amendment of
section 2 of
Guj. 1 of 1970.

(1) for clause (21), the following clause shall be substituted, namely :—

"(21) "prohibited goods" means the goods described in entries 1, 2, 4, 5, 12, 13A, 13B, 15, 16A, 17, 19, 20, 21, 22, 22A, 23, 25, 27, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 54, 55, 57, 59, 60, 61A and 62 in Schedule II, Part A, or in entries 1, 2 and 7 in Schedule II, Part B and such other goods

as the State Government may, from time to time, by notification in the *Official Gazette*, specify.;

(2) in clause (32), the words "turnover tax" shall be deleted.

Deletion of
section 10A of
Guj. 1 of 1970.

3. In the principal Act, section 10A shall be deleted.

Amendment of
section 11 of
Guj. 1 of 1970.

4. In the principal Act, in section 11,—

(i) for the figures, word and letter "7, 8 or 10A", the figures and word "7 or 8" shall be substituted;

(ii) in the marginal note, for the figures, word and letter "7, 8 or 10A", the figures and word "7 or 8" shall be substituted.

Amendment of
section 15A of
Guj. 1 of 1970.

5. In the principal Act, in section 15A, for the figures and words "2.4 paise in the rupee", the words "two paise in the rupee" shall be substituted.

Amendment of
section 15B of
Guj. 1 of 1970.

6. In the principal Act, in section 15B, for the figures and words "4.8 paise in the rupee", the words "six paise in the rupee" shall be substituted.

Amendment of
section 46 of
Guj. 1 of 1970.

7. In the principal Act, in section 46, in sub-section (1), for the words, figures and letter "section 10A or section 56 or both" occurring at two places, the word and figures "section 56" shall be substituted.

Insertion of
new section
55BB in Guj. 1
of 1970.

8. In the principal Act, after section 55B, the following new section shall be inserted, namely :—

Composition of
tax on lottery
tickets.

"55BB. The Commissioner may, subject to such conditions as may be prescribed, permit any dealer engaged in sale of lottery tickets to pay at his option in lieu of the amount of tax leviable from him on the sale of lottery tickets under section 7 in respect of a month, a lump sum by way of composition at the rate of two lakhs fifty thousand rupees per lottery scheme in a month or part thereof."

Insertion of
new Chapter in
Guj. 1 of 1970.

9. In the principal Act, after Chapter V, the following new Chapter shall be inserted, namely:—

"CHAPTER" V A DEDUCTION AT SOURCE

57A. For the purposes of this Chapter, unless the context otherwise requires,—

Definitions.

(a) "contractor" or "sub-contractor" means the dealer referred to in sub-clause (f) of clause (10) of section 2;

(b) "specified sale" means the sale referred to in sub-clause (c) of clause (28) of section 2;

(c) "specified safe price" means the sale price referred to in sub-clause (b) of clause (29) of section 2; and

(d) "specified works contract" means a works contract, the specified sale price of which exceeds ten lakh rupees.

57B. (1) Notwithstanding that the assessment in respect of the specified sales is to be made for a year or part of a year, the tax on such sales shall be payable at source in accordance with the provisions of this section. Deduction at source in certain cases.

(2) Nothing in sub-section (1) shall prejudice the levy of tax on the specified sales under sections 7 and 8.

(3)(a) Any person responsible for paying specified sale price to a contractor for carrying out any work in pursuance of a specified works contract, shall at the time of payment of the whole or part of the specified sale price, deduct from such price an amount equal to two paise in a rupee of such payment as a tax on specified sales.

(b) Any person being a contractor responsible for paying specified sale price to a sub-contractor in pursuance of a contract with the sub-contractor for carrying out the whole or part of the work undertaken by the contractor in respect of a specified works contract, shall at the time of payment of the whole or part of the specified sale price, deduct from such price an amount equal to two paise in a rupee of such payment as a tax on specified sales.

(4) (a) Where the Commissioner is satisfied that the contractor or the sub-contractor is not liable to pay tax under this Act on specified sales involved in any specified works contract, he shall, on an application made by the contractor or the sub-contractor in this behalf, give him a certificate to that effect in such form as may be prescribed.

(b) Where any such certificate is given under clause (a), the person responsible for paying any specified sale price under clause (a) or clause (b) of sub-section (3) shall not deduct any amount as tax in respect of the specified works contract mentioned in the certificate.

(5) Any amount deducted as tax in accordance with the provisions of sub-section (3), shall be deemed to be an amount received by the contractor or the sub-contractor as part of the specified sale price in pursuance of the specified works contract.

(6) Any person deducting the amount as tax in accordance with the provisions of sub-section (3) shall—

(a) pay such amount into a Government Treasury within ten days from the date of deduction of the amount,

(b) obtain a treasury receipt therefor, and

(c) furnish a copy of such receipt to the contractor or, as the case may be, the sub-contractor.

(7) Every person deducting the amount as tax in accordance with the provisions of sub-section (3) shall, at the time of payment of the whole or part of the specified sale price, furnish to the contractor or, as the case may be, the sub-contractor a certificate specifying the amount so deducted and such other particulars as may be prescribed.

(8) Any deduction made in accordance with the provisions of sub-section (3) and paid into the Government Treasury under sub-section (6) shall be treated as a payment of tax or, as the case may be, lump sum by way of composition under section 55A, on behalf of the contractor or, as the case may be, the sub-contractor, and, on the production of a certificate furnished to him under sub-section (7), alongwith a copy of a treasury receipt given to him under sub-section (6), credit shall be given to him for the amount so deducted in the assessment of tax, if any, made under this Act for the relevant year or, as the case may be, in the payment of the lump sum.

(9) Where an amount as tax on specified sales has not been deducted in accordance with the provisions of this section, the tax on specified sales shall be payable by the contractor or, as the case may be, the sub-contractor directly.

(10) Where any amount deducted under sub-section (3) remains unpaid after expiry of the time specified in sub-section (6), such amount shall be recoverable as an arrear of land revenue and the sales tax authorities shall, for the purpose of effecting recovery of the amount, exercise the powers conferred on them under ~~section 174~~.

(11) (a) If any person does not deduct an amount under sub-section (3) or after deducting the amount under that sub-section, fails to pay the same into the Government Treasury under sub-section (6) within the time specified therein, he shall be liable to pay such penalty not exceeding twenty-five per cent. of the amount required to be deducted by him under sub-section (3) as may be imposed by the Commissioner.

(b) The Commissioner shall, for the purpose of imposing penalty under clause (a), exercise the same powers as are conferred on him under sub-sections (3) and (4) of section 46 in relation to imposing of penalty under that section.

(12) Where a person deducting the amount of tax in accordance with the provisions of sub-section (3) does not pay the amount so deducted into the Government Treasury under sub-section (6) within the time specified therein, there shall be paid by such person, in addition to the penalty imposed on him under sub-section (11), for the period commencing on the date of expiry of the time specified in sub-section (6) and ending on the date of payment of the amount into the Government Treasury, simple interest at the rate of twenty- four per cent. per annum on the amount not so paid or any less amount remaining unpaid during that period."

Amendment of
Schedule I to
Guj. 1 of 1970.

10. In the principal Act, in Schedule I, —

(1) after the entry at serial No. 74, the following new entry shall be inserted, namely:—

1	2	3
"74A	Rain coat	***

(2) in the entry at serial No. 93, in column 2, for the brackets and words "(other than aerated, mineral, medicinal or tonic water)", the brackets, words, figures and letter "(other than the goods specified in entries at serial Nos. 65 and 154 in Schedule II, Part A)" shall be substituted.

11. In the principal Act, in Schedule II, in Part A,—

Amendment
of Schedule II,
Part- A to Guj.
1 of 1970.

- (1) in the entry at serial No.11, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;
- (2) in the entry at serial No.12, in columns 3 and 4, for the words "One paise in the rupee", the words "Two paise in the rupee" shall be substituted;
- (3) in the entry at serial No. 16, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;
- (4) in the entry at serial No. 18, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;
- (5) in the entry at serial No. 20, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;
- (6) in the entry at serial No. 21, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;
- (7) in the entry at serial No. 23, in columns 3 and 4, for the words "Five paise in the rupee", the words "Two paise in the rupee" shall be substituted;
- (8) in the entry at serial No. 25, in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;
- (9) in the entry at serial No. 26, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;
- (10) in the entry at serial No. 29, in columns 3 and 4, for the words "Five paise in the rupee", the words "Two paise in the rupee" shall be substituted;
- (11) in the entry at serial No. 30, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;
- (12) in the entry at serial No. 32, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;
- (13) in the entry at serial No. 36, in columns 3 and 4, for the words "Six paise in the rupee", the words "Eight paise in the rupee" shall be substituted;
- (14) in the entry at serial No. 38, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;
- (15) in the entry at serial No. 39, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;
- (16) in the entry at serial No. 40, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Twenty paise in the rupee" shall be substituted;

(17) in the entry at serial No. 42, in sub-entry (ii), in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(18) in the entry at serial No. 43, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(19) in the entry at serial No. 44, in sub-entry (A), in column 2, for item (xvi), the following item shall be substituted, namely :—

"(xvi) polythene packing materials, plastic coated paper, biaxally oriented polypropylene (B.O.P.P.) and aluminium coated paper ; "

(20) in the entry at serial No. 47, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(21) in the entry at serial No. 49, in sub-entry (2), in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(22) in the entries at serial Nos. 51, 52 and 53, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(23) in the entry at serial No. 54, in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(24) in the entry at serial No. 55, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(25) in the entry at serial No. 57, in columns 3 and 4, for the words " Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(26) in the entry at serial No. 58, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(27) in the entry at serial No. 60, in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(28) in the entry at serial No. 62, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(29) in the entry at serial No. 64, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(30) for entry 65, the following entry shall be substituted, namely:-

1	2	3	4
"65.	Aerated water and all non-alcpholic beverages, including fruit juices, squashes, syrups and cordials, when sold in sealed, capsuled or corked bottles or jars, but excluding the goods specified in entry 154 in this Schedule.	Fifteen paise in the rupee.	Fifteen paise in the rupees";

(31) in the entry at serial No. 67, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(32) in the entry at serial No. 69, in columns 3 and 4, for the words "Seventeen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(33) in the entry at serial No. 70, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(34) in the entry at serial No. 72, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(35) in the entry at serial No. 75, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(36) in the entry at serial No. 76, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(37) in the entries at serial Nos. 81, 83 and 84, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(38) in the entry at serial No. 86, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(39) in the entry at serial No. 87, in sub-entry (ii), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(40) in the entry at serial No. 90, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(41) in the entry at serial No. 91, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;

(42) in the entry at serial No. 92, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(43) in the entry at serial No. 93, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(44) in the entry at serial No. 94, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(45) in the entry at serial No. 95, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(46) in the entry at serial No. 96,—

(a) for sub-entry (i), the following shall be substituted, namely :-

1	2	3	4
"(i)	Domestic electrical appliances (whether fitted with or without electric motor such as grinder, mixer, grinder-cum mixer, domestic flour mill, juicers, irons, hair-dryers, washing machines, heaters, hot- plates, toasters, cooking ranges, ovens, vacuum cleaners, and geysers, and components, parts, and accessories of any of them.	Fifteen paise in the rupee	Fifteen paise in the rupee";

(b) in sub-entries (ii) and (iii), in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(47) in the entry at serial No. 97, in sub entry (B), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(48) in the entry at serial No. 98, in columns 3 and 4, for the words "One paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(49) in entries at serial Nos. 101 and 103, in columns 3 and 4, for the words "Fifteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(50) in the entry at serial No. 94,—

(a) in sub-entry (i), in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(b) in sub-entry (ii), in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(51) in the entry at serial No. 105, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Twenty paise in the rupee" shall be substituted;

(52) in the entry at serial No. 106, in sub-entry (2), in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(53) in the entry at serial No. 107, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(54) in the entry at serial No. 108, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(55) in the entry at serial No. 112, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(56) in the entries at serial Nos. 113 and 114, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(57) in the entry at serial No. 116, in columns 3 and 4, for the words "Seventeen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(58) after entry 116, the following new entry shall be inserted, namely:—

1	2	3	4
"116A	Iron powder	Four paise in the rupee	Four paise in the rupee";

(59) in the entry at serial No. 117, in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(60) in the entry at serial No. 118, in sub-entry (1), in columns 3 and 4, for the words "Seven paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(61) in the entry at serial No. 119, in columns 3 and 4, for the words "Twelve paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(62) in the entry at serial No. 123, in columns 3 and 4, for the words "Seventeen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(63) in the entries at serial Nos. 124 and 125, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in rupee" shall be substituted;

(64) in the entry at serial No. 126, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(65) in the entry at serial No. 128, —

(i) in sub- entry (3), in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(ii) in sub- entry (5), in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(iii) in sub - entry (6), in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;

(66) in the entry at serial No. 129, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(67) in the entry at serial No. 130, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Twenty paise in the rupee" shall be substituted;

(68) in the entry at serial No. 131, in sub-entries (i), (ii) and (iii), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(69) in the entry at serial No. 132, in columns 3 and 4, for the words "Seventeen paise in the rupee", the words "Twenty paise in the rupee" shall be substituted;

(70) in the entry at serial No. 133, in sub-entries (i) and (iii), in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(71) in the entry at serial No. 135,—

(i) in sub-entry (i), in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(ii) in sub-entry (ii), in columns 3 and 4, for the words "Seven paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(72) in the entry at serial No. 136, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(73) in the entry at serial No. 137, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(74) in the entry at serial No. 138,—

(i) in sub-entry (i), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(ii) in sub-entry (ii), in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(75) in the entry at serial No. 139, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(76) in the entry at serial No. 140,—

(i) in sub-entries (i) and (ii), in columns 3 and 4, for the words "Fourteen paise in the rupee" the words "Fifteen paise in the rupee" shall be substituted;

(ii) in sub-entry (iii), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(77) in the entry at serial No. 141, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(78) in the entry at serial No. 142,—

(i) in sub-entry (i), in columns 3 and 4, for the words "One paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(ii) in sub-entry (ii), in columns 3 and 4, for the words "Ten paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(79) in the entry at serial No. 143, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(80) in the entry at serial No. 145, in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(81) the entry at serial No. 146 shall be deleted;

(82) in the entry at serial No. 147, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(83) in the entry at serial No. 148, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;

(84) in the entry at serial No. 149, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(85) in the entry at serial No. 150, in columns 3 and 4, for the words "Five paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(86) for the entry at serial No. 154, the following shall be substituted, namely:—

1	2	3	4
"154.	Soda water, mineral water, purified water, medicinal water, tonic water, distilled battery water, demineralised water and water, when sold under a brand name in sealed, capsuled or corked bottle, jar or pauch.	Twelve paise in the rupee	Twelve paise in the rupee";

(87) in the entry at serial No. 156, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(88) in the entry at serial No. 157, in sub-entries (i) and (ii), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(89) in the entry at serial No. 158, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(90) in the entry at serial No. 159, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(91) in the entries at serial Nos. 160 and 161, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(92) in the entry at serial No. 162, in sub-entry (ii), in columns 3 and 4, for the words "Ten paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(93) in the entry at serial No. 163,—

(i) in sub-entry (i), in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(ii) in sub-entry (ii), in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(94) in the entry at serial No. 165, in sub-entry (i), in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(95) in the entry at serial No. 167, in columns 3 and 4, for the words "Eight paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(96) in the entry at serial No. 168, in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(97) in the entries at serial Nos. 169, 170 and 171, in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(98) in the entries at serial Nos. 172 and 173, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Eight paise in the rupee" shall be substituted;

(99) in the entry at serial No. 174, in columns 3 and 4, for the words "Seven paise in the rupee", the words "Six paise in the rupee" shall be substituted;

(100) in the entry at serial No. 175, in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(101) in the entries at serial Nos. 176 and 179, in columns 3 and 4, for the words "Ten paise in the rupee", the words "Twelve paise in the rupee" shall be substituted;

(102) in the entry at serial No. 182,—

(i) in sub-entries (ii) and (iii), in columns 3 and 4, for the words "One paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(ii) in sub-entry (iv), in columns 3 and 4, for the words "Seven paise in the rupee", the words "Two paise in the rupee" shall be substituted;

(103) in the entry at serial No. 185, in sub-entry (i) and in the entries at serial Nos. 187, 188, 189 and 190, in columns 3 and 4, for the words "Five paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(104) in the entry at serial No. 191, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(105) in the entry at serial No. 192, in sub-entry (i), in columns 3 and 4, for the words "Eighteen paise in the rupee", the words "Fifteen paise in the rupee" shall be substituted;

(106) in the entry at serial No. 195, in columns 3 and 4, for the words "Fourteen paise in the rupee", the words "Twelve paise in the rupee" shall be substituted.

Amendment of
Schedule II,
Part B to Guj. I
of 1970.

12. In the principal Act, in Schedule II, in Part B, in the entry at serial No. 7, in columns 3 and 4, for the words "Nineteen paise in the rupee", the words "Twenty paise in the rupee" shall be substituted.

Amendment of
Schedule III to
Guj. I of 1970.

13. In the principal Act, in Schedule III, after entry at serial No. 16, the following entries shall be added, namely;—

"17. Motor vehicles

18. Office equipments".



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 26th March, 1997.)

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1998.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation Act, 1997.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of fourteen thousand six hundred forty-seven crores, ninety-eight lakhs, five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1997-98, in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of
 Rs. 1,46,47,98,05
 000 from and
 out of the Con-
 solidated Fund
 of the State of
 Gujarat for the
 financial year
 1997-98.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
1	Agriculture, Co-operation and Rural Development Department	Revenue	3,06,69,000	—	3,06,69,000
2	Agriculture	Revenue	342,12,93,000	—	342,12,93,000
		Capital	5,00,000	—	5,00,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	76,95,69,000	—	76,95,69,000
		Capital	1,38,00,000	—	1,38,00,000
4	Animal Husbandry and Dairy Development	Revenue	44,62,14,000	—	44,62,14,000
		Capital	4,00,000	—	4,00,000
5	Co-operation	Revenue	24,39,03,000	—	24,39,03,000
		Capital	13,70,60,000	—	13,70,60,000
6	Other expenditure pertaining to Agriculture, Co-operation and Rural Development Department	Capital	4,60,40,000	—	4,60,40,000
7	Education Department	Revenue	1,71,20,000	—	1,71,20,000
8	Education	Revenue	22,03,47,33,000	65,03,00,000	22,68,50,33,000
		Capital	18,95,000	—	18,95,000
9	Other expenditure pertaining to Education Department	Revenue	8,80,30,000	—	8,80,30,000
		Capital	29,93,00,000	—	29,93,00,000
10	Energy and Petro- Chemicals Department	Revenue	71,80,000	—	71,80,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
11	Tax Collection Charges (Energy and Petro- Chemicals Department)	Revenue 3,97,85,000	—	3,97,85,000
12	Energy Projects	Revenue 6,04,90,00,000	—	6,04,90,00,000
		Capital 2,47,73,50,000	—	2,47,73,50,000
13	Other expenditure pertaining to Energy and Petro-Chemicals Department	Capital 2,14,45,000	—	2,14,45,000
14	Finance Department	Revenue 3,63,45,000	—	3,63,45,000
		Capital 5,00,000	—	5,00,000
15	Tax Collection Charges (Finance Department)	Revenue 37,58,59,000	—	37,58,59,000
16	Treasury and Accounts Administration	Revenue 25,70,22,000	—	25,70,22,000
17	Pension and Other Retirement Benefits	Revenue 4,43,66,75,000	5,00,000	4,43,71,75,000
18	Other expenditure pertaining to Finance Department	Revenue 7,63,15,25,000	—	7,63,15,25,000
		Capital 1,23,37,000	1,00,000	1,24,37,000
19	Repayment of debt pertaining to Finance Department and its Servicing.	Revenue —	16,47,70,94,000	16,47,70,94,000
		Capital —	7,43,22,26,000	7,43,22,26,000
20	Food and Civil Supplies Department	Revenue 4,37,80,000	—	4,37,80,000
21	Civil Supplies	Revenue 1,00,32,20,000	—	1,00,32,20,000
		Capital 2,000	—	2,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2		3		
22	Food	Revenue	8,04,54,000	—	8,04,54,000
		Capital	15,00,000	—	15,00,000
23	Other expenditure pertaining to Food and Civil Supplies Department	Capital	20,30,000	—	20,30,000
24	Forests and Environment Department	Revenue	89,13,000	—	89,13,000
25	Forests	Revenue	64,54,44,000	—	64,54,44,000
		Capital	1,03,79,73,000	—	1,03,79,73,000
26	Environment	Revenue	5,45,55,000	—	5,45,55,000
27	Other expenditure pertaining to Forests and Environment Department	Capital	97,40,000	—	97,40,000
28	Governor	Revenue	—	1,14,42,000	1,14,42,000
29	Council of Ministers	Revenue	2,91,75,000	—	2,91,75,000
30	Elections	Revenue	8,06,65,000	—	8,06,65,000
31	Public Service Commission	Revenue	42,40,000	1,46,90,000	1,89,30,000
32	General Administration Department	Revenue	12,57,49,000	—	12,57,49,000
33	Economic Advice and Statistics	Revenue	7,09,92,000	—	7,09,92,000
34	Other expenditure pertaining to General Administration Department	Revenue	1,04,98,32,000	—	1,04,98,32,000
		Capital	1,05,55,000	—	1,05,55,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1.	2		3	
35	State Legislature	Revenue 4,96,70,000	4,08,000	500,78,000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital 10,35,000	—	10,35,000
37	Health and Family Welfare Department	Revenue 2,59,45,000	—	2,59,45,000
38	Medical and Public Health	Revenue 4,64,48,39,000	—	4,64,48,39,000
39	Family Welfare	Revenue 1,01,37,85,000	—	1,01,37,85,000
40	Water Supply	Revenue 81,22,50,000	—	81,22,50,000
		Capital 5,25,57,00,000	—	5,25,57,00,000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue 78,14,85,000 Capital 5,13,50,000	—	78,14,85,000 5,13,50,000
42	Home Department	Revenue 2,85,58,000	—	2,85,58,000
43	Police	Revenue 4,29,23,86,000	—	4,29,23,86,000
44	Jails	Revenue 17,77,29,000	—	17,77,29,000
45	Transport	Revenue 57,76,60,000	—	57,76,60,000
46	Other expenditure pertaining to Home Department	Revenue 20,08,80,000 Capital 46,71,90,000	10,00,000	20,18,80,000 46,71,90,000
47	Industries and Mines Department	Revenue 1,44,90,000	—	1,44,90,000
48	Stationery and Printing	Revenue 31,73,00,000	—	31,73,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2			
49	Industries	Revenue	1,11,36,36,000	1,11,36,36,000
		Capital	48,89,50,000	48,89,50,000
50	Mines and Minerals	Revenue	11,09,86,000	11,09,86,000
51	Other expenditure pertaining to Industries and Mines Department	Revenue	1,14,20,000	1,14,20,000
		Capital	1,72,50,000	1,72,50,000
52	Information, Broadcasting and Tourism Department	Revenue	41,55,000	41,55,000
53	Information and Publicity	Revenue	16,77,26,000	16,77,26,000
		Capital	1,00,000	1,00,000
54	Tourism	Revenue	4,35,85,000	4,35,85,000
		Capital	1,00,000	1,00,000
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	1,51,30,000	1,51,30,000
		Capital	19,30,000	19,30,000
56	Labour and Employment Department	Revenue	92,00,000	92,00,000
57	Labour and Employment	Revenue	68,14,64,000	68,14,64,000
		Capital	25,000	25,000
58	Other expenditure pertaining to Labour and Employment Department	Capital	94,50,000	94,50,000
59	Legal Department	Revenue	1,45,80,000	1,45,80,000
60	Administration of Justice	Revenue	52,65,14,000	8,39,80,000
				61,04,94,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	4	5
61	Other expenditure pertaining to Legal Department	Revenue 3,25,05,000 Capital 3,52,25,000	—	3,25,05,000 3,52,25,000
62	Legislative and Parliamentary Affairs Department	Revenue 1,00,67,000	—	1,00,67,000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital 5,20,000	—	5,20,000
64	Narmada and Water Resources Department	Revenue 2,52,75,000	—	2,52,75,000
65	Narmada Development Scheme	Capital 11,99,60,75,000	—	11,99,60,75,000
66	Irrigation and Soil Conservation	Revenue 7,11,43,94,000 Capital 2,81,88,00,000	—	7,11,43,94,000 2,81,88,00,000
67	Other expenditure pertaining to Narmada and Water Resources Department	Revenue 1,60,000 Capital 2,79,00,000	—	1,60,000 2,79,00,000
68	Panchayats and Rural Housing Department	Revenue 1,63,97,000	—	1,63,97,000
69	Community Development	Revenue 1,17,73,15,000	—	1,17,73,15,000
70	Rural Housing	Revenue 23,40,20,000 Capital 2,50,00,000	82,64,88,000	1,06,05,08,000 2,50,00,000
71	Compensation and Assignments	Revenue 26,05,10,000	—	26,05,10,000
72	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue 18,36,75,000 Capital 14,92,35,000	—	18,36,75,000 14,92,35,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
73	Fisheries	Revenue	19,74,44,000	19,74,44,000
		Capital	22,81,86,000	22,81,86,000
74	Other expenditure pertaining to Ports and Fisheries Department	Revenue	48,00,000	48,00,000
		Capital	16,38,000	16,38,000
75	Revenue Department	Revenue	4,49,85,000	4,49,85,000
76	Tax Collection Charges (Revenue Department)	Revenue	35,60,05,000	35,60,05,000
77	District Administration	Revenue	36,93,85,000	36,93,85,000
78	Relief on Account of Natural Calamities	Revenue	1,47,07,00,000	1,47,07,00,000
		Capital	2,00,00,000	2,00,00,000
79	Dangs District	Revenue	16,76,45,000	16,76,45,000
80	Compensation and Assignments	Revenue	15,60,10,000	15,60,10,000
		Capital	20,00,000	20,00,000
81	Other expenditure pertaining to Revenue Department	Revenue	46,72,000	46,72,000
		Capital	5,24,80,000	5,24,80,000
82	Roads and Buildings Department	Revenue	2,82,50,000	2,82,50,000
83	Non-Residential Buildings	Revenue	1,30,05,53,900	1,30,05,53,900
		Capital	78,64,35,000	78,64,35,000
84	Residential Buildings	Revenue	56,36,28,000	56,36,28,000
		Capital	21,06,46,000	21,06,46,000
85	Roads and Bridges	Revenue	3,03,79,08,000	3,03,79,08,000
		Capital	82,85,30,000	82,85,30,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
86	Gujarat Capital Construction Scheme	Revenue 3,52,10,000 Capital 6,47,30,000	— —	3,52,10,000 6,47,30,000
87	Other expenditure pertaining to Roads and Buildings Department	Revenue 10,53,80,000 Capital 3,82,50,000	— —	10,53,80,000 3,82,50,000
88	Social Welfare and Tribal Development Department	Revenue 1,38,80,000	—	1,38,80,000
89	State Excise	Revenue 3,23,60,000	—	3,23,60,000
90	Social Security and Welfare	Revenue 1,18,51,92,000 Capital 2,13,60,000	36,30,000 —	1,18,88,22,000 2,13,60,000
91	Welfare of Scheduled Tribes	Revenue 33,99,17,000 Capital 44,70,000	— —	33,99,17,000 44,70,000
92	Other expenditure pertaining to Social Welfare Department	Capital 47,76,000	—	47,76,000
93	Special Component Plan for Scheduled Castes	Revenue 1,94,39,44,000 Capital 10,78,43,000	— —	1,94,39,44,000 10,78,43,000
94	Tribal Area Sub-Plan	Revenue 4,48,46,75,000 Capital 1,70,72,84,000	— —	4,48,46,75,000 1,70,72,84,000
95	Urban Development and Urban Housing Department	Revenue 99,05,000	—	99,05,000
96	Urban Housing	Revenue 1,04,05,000 Capital —	21,67,19,000 —	22,71,24,000 —
97	Urban Development	Revenue 83,78,10,000 Capital 1,50,00,000	— —	83,78,10,000 1,50,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
98	Compensation, Assignment and Revenue Tax Collection Charges	38,53,00,000	23,01,03,000	61,54,03,000
99	Other expenditure pertaining to Revenue Urban Development and Urban Capital Housing Department	1,40,00,000 12,65,000	— —	1,40,00,000 12,65,000
100	Youth Services and Cultural Revenue Activities Department	41,85,000	—	41,85,000
101	Youth Services and Revenue Cultural Activities	13,80,47,000	—	13,80,47,000
102	Other expenditure pertaining Capital to Youth Services and Cultural Activities Department	8,70,000	—	8,70,000
Total :				
	Revenue	1,01,37,87,000	18,51,89,67,000	1,09,53,27,54,000
	Capital	29,51,40,25,000	7,63,30,26,000	36,94,70,51,000
Grand Total :		1,20,52,78,12,000	25,95,19,93,000	1,46,47,98,05,000



The Gujarat Government Gazette

EXTRAORDINARY

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 3rd June, 1997.

GUJARAT ORDINANCE NO. 2 OF 1997.

AN ORDINANCE

further to amend the Gujarat Contingency Fund Act, 1960.

WHEREAS, the Legislative Assembly of the State of Gujarat is not in session;

AND, WHEREAS, the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Contingency Fund Act, 1960 to increase the limit of the Contingency Fund of the State of Gujarat;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Contingency Fund (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Guj. IV of 1960 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Contingency Fund Act, 1960 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2 of Guj. IV of 1960.*—In the principal Act, in section 2, for the words "fifty crores of rupees", the words "two hundred crores of rupees" shall be substituted.

Guj. IV
of 1960.

Guj. IV
of 1960.

STATEMENT

The amount in the Contingency Fund of the State was last increased in August, 1989 to fifty crores of rupees. Thereafter, the amount was required to be temporarily increased on certain occasions, to meet with unforeseen expenditure which indicates that the amount in the Contingency Fund is insufficient to meet with the demands made on it from time to time. It is, therefore, considered necessary to raise the limit of the Contingency Fund from fifty crores to two hundred crores of rupees.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 30th May, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

V. V. RAMA SUBBA RAO,
Additional Chief Secretary to Government.



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PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 24th July, 1997.

GUJARAT ORDINANCE NO. 3 OF 1997.

AN ORDINANCE

*to control coaching classes in the State in the interests
of the general public.*

WHEREAS there is a mushroom growth of coaching classes in the State;

AND WHEREAS some of the coaching classes are conducted by
unqualified persons and without having proper facilities;

AND WHEREAS on account of psychological pressure of building up of
their careers, the students are compelled to join such classes and the parents
are anxious to get their children to join such classes;

AND WHEREAS in absence of any control over owner or manager of
such classes, exorbitant fees are charged to the students resulting in the
commercialization of education imparted in such classes;

AND WHEREAS on account of such commercialization, the coaching
classes have become 'teaching shops' which is abhorrent to the Indian
culture and heritage of the *Guru-Shishya* tradition;

AND WHEREAS the students belonging to the weaker sections of the
society are compelled to pay exorbitant fees and thereby they become
victims of such commercialization;

AND WHEREAS with a view to effectively curb such commercialization, it is expedient in the interests of the general public to control the coaching classes in the State;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to control coaching classes in the State in the interests of the general public;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Gujarat Coaching Classes (Control) Ordinance, 1997.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "coaching class" means a class where more than five students are imparted tuition in any of the subjects taught in a school and includes a tuition class.

Explanation.—Where at the same place less than five students are imparted tuition in any such subjects at different times of a day, so however that the total number of students to whom tuition is so imparted exceeds five, then such imparting of tuition shall be deemed to be a coaching class within the meaning of this clause;

(b) "committee" means the committee constituted under section 6;

(c) "manager" in relation to any coaching class means a person or body of persons, appointed by the owner and incharge or control of the management of the coaching class;

(d) "owner" means an owner of a coaching class;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "register" means a register maintained under section 5;

(g) "school" means —

(i) a 'primary school' as defined in clause (17) of section 2 of the Bombay Primary Education Act, 1947, or

(ii) a 'secondary school' as defined in clause (v) of section 2 of the Gujarat Secondary Education Act, 1972, or

Bom. LXI of
1947.

Guj. 18 of
1973.

(iii) a 'higher secondary school' imparting education in the eleventh and the twelfth standard and registered as such by the Gujarat Higher Secondary Education Board.

3. Prohibition against conducting coaching classes.—(1) No owner or manager shall, after the commencement of this Ordinance, conduct any coaching class unless the owner is enrolled in the register.

(2) Any person who desires to conduct a coaching class may make an application to the District Education Officer or, as the case may be, an officer authorised by the State Government in this behalf (hereinafter referred to as "the authorised officer"), in such form and accompanied by such fees as may be prescribed :

Provided that where any coaching class exists at the commencement of this Ordinance, the owner thereof shall make an application within a period of sixty days from such commencement :

Provided further that where an owner referred to in the first proviso makes an application within the period specified in that proviso, such owner shall be deemed to have been authorised to conduct the existing coaching class during the period from the date of commencement of this Ordinance and ending on the day on which he is enrolled in the register or, as the case may be, his enrolment is refused, as if he was enrolled for such period under this Ordinance.

(3) On receipt of an application under sub-section (2), the District Education Officer or, as the case may be, the authorised officer, may, after making such inquiry as he thinks fit, enrol on such conditions as may be prescribed or refuse to enrol, the person or owner in the register.

(4) The District Education Officer or, as the case may be, the authorised officer may issue a certificate of enrolment to the person or the owner in such form as may be prescribed.

(5) (a) Where the District Education Officer or, as the case may be, the authorised officer is satisfied either on a reference made to him in this behalf or otherwise, that the enrolment of a person or the owner in the register has been obtained by misrepresentation as to an essential fact, he may, after giving an opportunity of being heard to the person or owner so enrolled, cancel his enrolment in the register.

(b) Where any owner or manager has been, on an inquiry made by the District Education Officer or the authorised officer in such manner as may be prescribed, found to have committed breach of any of the conditions or committed default in carrying out any of the duties imposed on such owner or manager by this Ordinance or the rules made thereunder, the District Education Officer or, as the case may be, the authorised officer shall, after giving such owner or manager an opportunity of being heard, cancel the enrolment of the owner in the register.

4. Appeal.—Any person or owner aggrieved by the decision of the District Education Officer or, as the case may be, the authorised officer, may, within a period of thirty days from the date on which the decision is communicated to him, file an appeal to the Commissioner of Higher Education and the decision thereon shall be final.

5. Maintenance of Register.—There shall be maintained by the District Education Officer or, as the case may be, the authorised officer, a register for enrolment of owners in the area of his jurisdiction in such form and containing such particulars as may be prescribed.

6. Constitution of Committee and its functions.—(1) The State Government may, by notification in the *Official Gazette*, constitute a Committee consisting of the following members, namely:—

(a) The Secretary in Education Department incharge of School, who shall be the Chairman,

(b) The Secretary in Education Department incharge of Higher and Technical Education,

(c) The Commissioner of Higher Education,

(d) The Director of Primary Education,

(e) The Financial Adviser in the Education Department.

(2) The Committee shall, having regard to such factors as may be prescribed, determine from time to time the fees to be charged to the students of coaching classes in the State by owners or managers and different fees may be determined for different areas of the State.

(3) The Committee in discharge of its functions under sub-section (2) shall follow such procedure as may be prescribed.

7. Tuition fees to be charged.—No owner or manager shall charge fees for tuition imparted in the coaching class exceeding such amount as determined by the Committee under section 6.

8. Duties of owner or manager.—An owner or manager shall conduct coaching class subject to such conditions as may be prescribed.

9. Inspection.—Subject to the rules made in this behalf, the District Education Officer or any other officer authorised by the Committee in this behalf may within the area of his jurisdiction—

(a) enter, with such assistants, as he thinks fit, being persons in the service of the Government, in any place which is used or which he has reason to believe is used for a coaching class,

(b) require production of any document relating to the coaching class and take on the spot or otherwise statements of any person, as he may consider necessary for carrying out the purposes of this Ordinance,

(c) exercise such other powers as may be prescribed for carrying out the purposes of this Ordinance.

10. Report.—An owner shall furnish such information as the District Education Officer or, as the case may be, the authorised officer may require for the purposes of this Ordinance.

11. *Penalty.*—Any person who contravenes the provisions of sub-section (1) of section 3 or section 7 shall be punishable with imprisonment for a term which may extend to six months or with a fine which shall not be less than one thousand rupees and which may extend to fifty thousand rupees or both.

12. *Power to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which and the fees on the payment of which an application may be made under sub-section (2) of section 3;

(b) the term and conditions on which the owner may be enrolled under sub-section (3) of section 3;

(c) the form in which a certificate of enrolment may be issued under sub-section (4) of section 3;

(d) the manner in which the inquiry shall be made under clause (b) of sub-section (5) of section 3;

(e) the form in which and the particulars to be entered in the register to be maintained under section 5;

(f) the factors having regard to which the fee shall be determined under sub-section (2) of section 6;

(g) the procedure to be followed by the Committee under sub-section (3) of section 6;

(h) the conditions subject to which the owner or manager shall conduct the coaching class under section 8;

(i) the rules subject to which the District Education Officer shall exercise the powers under section 9;

(j) to exercise such other powers by the District Education Officer under clause (c) of section 9.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT

In recent years there is a mushroom growth of coaching classes in the State. Some of such classes have neither proper facilities nor qualified persons for imparting education in subjects taught in a school. It is noticed that there is a psychological pressure on the students to join such classes with a result that by taking advantage of such pressure and in absence of any control over such classes, exorbitant fees are charged to the students joining such classes and thereby imparting of education in coaching classes has become commercial. It is, therefore, considered necessary to control the conduct of such classes. For that purpose provision is made for registration of owners of coaching classes; for imposing conditions for conduct of coaching classes; and for requiring the owners of such classes to charge fees to students not exceeding those determined by a Committee. For ensuring compliance with the aforesaid provisions, a penal provision is also made.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,
Dated the 23rd July, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

B. D. NAIK
Deputy Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 31st July, 1997.

GUJARAT ORDINANCE NO. 4 OF 1997.**AN ORDINANCE**

further to amend the Bombay Primary Education Act, 1947.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Bombay Primary Education Act, 1947;

Bom. LXI
 of 1947.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*— (1) This Ordinance may be called the Bombay Primary Education (Gujarat Amendment) Ordinance, 1997.

(2) It shall come into force at once.

Bom. LXI
 of 1947.

2. *Bom. LXI of 1947 to be temporarily amended.*— During the period of operation of this Ordinance, the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in section 3.

3. *Amendment of section 24 of Bom. LXI of 1947.*— In the principal Act, in section 24, in sub-section (1),—

(1) for the words "shall have power", the words "shall have power under the control and supervision of the District Development Officer or the District Education Officer or, as the case may be, the Municipal Commissioner of the Corporation, within their respective jurisdiction" shall be substituted;

(2) for the word "Director", the words "Director or by the State Government" shall be substituted.

STATEMENT

Under the existing provisions of sub-section (1) of section 24 of the Bombay Primary Education Act, 1947, the Administrative Officer, subject to the general instructions of the Director of Education, is empowered to promote, transfer and take all disciplinary actions against the staff maintained under section 20. In order to have check and control over such powers of the Administrative Officer, it is considered necessary to amend the said sub-section (1) of section 24 so as to provide that the Administrative Officer may exercise such powers under the control and supervision of the District Development Officer, the District Education Officer or, as the case may be, the Municipal Commissioner within their respective jurisdiction. The power is also taken to State Government to give general instructions to the Administrative Officer in this respect.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 30th July, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. D. PANDOR
Deputy Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 23rd September, 1997.

GUJARAT ORDINANCE NO. 5 OF 1997.

AN ORDINANCE

further to amend the Gujarat Contingency Fund Act, 1960.

WHEREAS the Governor of Gujarat has promulgated the Gujarat Contingency
Fund (Amendment) Ordinance, 1997 on the 3rd June, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was sum-
moned to meet on the 14th August, 1997 and prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State
Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th
September, 1997, the date on which the period of six weeks from the date of the
re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Contingency Fund (Amendment) (Second) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 3rd June, 1997.

2. *Guj. IV of 1960 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Contingency Fund Act, 1960 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3. Guj. IV of 1960.

3. *Amendment of section 2 of Guj. IV of 1960.*—In the principal Act, in section 2, for the words "fifty crores of rupees", the words "two hundred crores of rupees" shall be substituted.

4. *Repeal and savings.*—(1) The Gujarat Contingency Fund (Amendment) Ordinance, 1997 is hereby repealed. Guj. Ord. 2 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

The amount in the Contingency Fund of the State was last increased in August, 1989 to fifty crores of rupees. Thereafter, the amount was required to be temporarily increased on certain occasions, to meet with unforeseen expenditure which indicates that the amount in the Contingency Fund is insufficient to meet with the demands made on it from time to time. It was, therefore, considered necessary, to raise the limit of the Contingency Fund from fifty crores to two hundred crores of rupees.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Contingency Fund (Amendment) Ordinance, 1997 was promulgated on the 3rd June, 1997 to achieve the aforesaid object. The Gujarat Legislative Assembly was summoned to meet on the 14th August, 1997 and prorogued on the same day and the said Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 24th September, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 22nd September, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

RAJESH KISHORE,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT.

Sachivalaya, Gandhinagar, Dated the 23rd September, 1997.

GUJARAT ORDINANCE NO. 6 OF 1997.

AN ORDINANCE

to control coaching classes in the State in the interests of the general public

WHEREAS there is a mushroom growth of coaching classes in the State;

AND WHEREAS some of the coaching classes are conducted by unqualified persons and without having proper facilities;

AND WHEREAS on account of psychological pressure of building up of their careers, the students are compelled to join such classes and the parents are anxious to get their children to join such classes;

AND WHEREAS in absence of any control over owner or manager of such classes, exorbitant fees are charged to the students resulting in the commercialization of education imparted in such classes;

AND WHEREAS on account of such commercialization, the coaching classes have become 'teaching shops' which is abhorrent to the Indian culture and heritage of the *Guru-Shisya* tradition;

AND WHEREAS the students belonging to the weaker sections of the society are compelled to pay exorbitant fees and thereby they become victims of such commercialization;

AND WHEREAS with a view to effectively curb such commercialization, it is expedient in the interests of the general public to control the coaching classes in the State;

AND WHEREAS the Governor of Gujarat has promulgated the Gujarat Coaching Classes (Control) Ordinance, 1997 on the 24th July, 1997 in this regard;

Guj. Ord.
3 of 1997.

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 14th August, 1997 and was prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th September, 1997, the date on which the period of six weeks from the date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Gujarat Coaching Classes (Control)(Second) Ordinance, 1997.

(2) It extends to the whole of the State of Gujarat.

(3) It shall be deemed to have come into force on the 24th July, 1997.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "coaching class" means a class where more than five students are imparted tuition in any of the subjects taught in a school and includes a tuition class.

Explanation.— Where at the same place less than five students are imparted tuition in any such subjects at different times of a day, so however that the total number of students to whom tuition is so imparted exceeds five, then such imparting of tuition shall be deemed to be a coaching class within the meaning of this clause;

(b) "committee" means the committee constituted under section 6;

(c) 'manager' in relation to any coaching class means a person or body of persons, appointed by the owner and in-charge or control of the management of the coaching class;

(d) "owner" means an owner of a coaching class;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "register" means a register maintained under section 5;

(g) 'school' means —

(i) a 'primary school' as defined in clause (17) of section 2 of the Bombay Primary Education Act, 1947, or Bom. LXI of 1947.

(ii) a 'secondary school' as defined in clause (v) of section 2 of the Gujarat Secondary Education Act, 1972, or Guj. 18 of 1973.

(iii) a 'higher secondary school' imparting education in the eleventh and the twelfth standard and registered as such by the Gujarat Higher Secondary Education Board.

3. Prohibition against conducting coaching classes.—(1) No owner or manager shall, after the commencement of this Ordinance, conduct any coaching class unless the owner is enrolled in the register.

(2) Any person who desires to conduct a coaching class may make an application to the District Education Officer or, as the case may be, an officer authorised by the State Government in this behalf (hereinafter referred to as "the authorised officer"), in such form and accompanied by such fees as may be prescribed:

Provided that where any coaching class exists at the commencement of this Ordinance, the owner thereof shall make an application within a period of sixty days from such commencement:

Provided further that where an owner referred to in the first proviso makes an application within the period specified in that proviso, such owner shall be deemed to have been authorised to conduct the existing coaching class during the period from the date of commencement of this Ordinance and ending on the day on which he is enrolled in the register or, as the case may be, his enrolment is refused, as if he was enrolled for such period under this Ordinance.

(3) On receipt of an application under sub-section (2), the District Education Officer or, as the case may be, the authorised officer, may, after making such inquiry as he thinks fit, enrol on such conditions as may be prescribed or refuse to enrol, the person or owner in the register.

(4) The District Education Officer or, as the case may be, the authorised officer may issue a certificate of enrolment to the person or the owner in such form as may be prescribed.

(5)(a) Where the District Education Officer or, as the case may be, the authorised officer is satisfied either on a reference made to him in this behalf or otherwise, that the enrolment of a person or the owner in the register has been obtained by misrepresentation as to an essential fact, he may, after giving an opportunity of being heard to the person or owner so enrolled, cancel his enrolment in the register.

(b) Where any owner or manager has been, on an inquiry made by the District Education Officer or the authorised officer in such manner as may be prescribed, found to have committed breach of any of the conditions or committed default in carrying out any of the duties imposed on such owner or manager by this Ordinance or the rules made thereunder, the District Education Officer or, as the case may be, the authorised officer shall, after giving such owner or manager an opportunity of being heard, cancel the enrolment of the owner in the register.

4. Appeal.—Any person or owner aggrieved by the decision of the District Education Officer or, as the case may be, the authorised officer, may, within a period of thirty days from the date on which the decision is communicated to him, file an appeal to the Commissioner of Higher Education and the decision thereon shall be final.

5. *Maintenance of register.*—There shall be maintained by the District Education Officer or, as the case may be, the authorised officer, a register for enrolment of owners in the area of his jurisdiction in such form and containing such particulars as may be prescribed.

6. *Constitution of Committee and its functions.*—(1) The State Government may, by notification in the *Official Gazette*, constitute a Committee consisting of the following members, namely:—

(a) The Secretary in Education Department in-charge of Schools, who shall be the Chairman,

(b) The Secretary in Education Department in-charge of Higher and Technical Education,

(c) The Commissioner of Higher Education,

(d) The Director of Primary Education,

(e) The Financial Adviser in the Education Department.

(2) The Committee shall, having regard to such factors as may be prescribed, determine from time to time the fees to be charged to the students of coaching classes in the State by owners or managers and different fees may be determined for different areas of the State.

(3) The Committee in discharge of its functions under sub-section (2) shall follow such procedure as may be prescribed.

7. *Tuition fees to be charged.*—No owner or manager shall charge fees for tuition imparted in the coaching class exceeding such amount as determined by the Committee under section 6.

8. *Duties of owner or manager.*—An owner or manager shall conduct coaching class subject to such conditions as may be prescribed.

9. *Inspection.*—Subject to the rules made in this behalf, the District Education Officer or any other officer authorised by the Committee in this behalf, may within the area of his jurisdiction—

(a) enter, with such assistants, as he thinks fit, being persons in the service of the Government, in any place which is used or which he has reason to believe is used for a coaching class,

(b) require production of any document relating to the coaching class and take on the spot or otherwise statements of any person, as he may consider necessary for carrying out the purposes of this Ordinance,

(c) exercise such other powers as may be prescribed for carrying out the purposes of this Ordinance.

10. *Report.*—An owner shall furnish such information as the District Education Officer or, as the case may be, the authorised officer may require for the purposes of this Ordinance.

11. *Penalty.*—Any person who contravenes the provisions of sub-section (1) of section 3 or section 7 shall be punishable with imprisonment for a term which may extend to six months or with a fine which shall not be less than one thousand rupees and which may extend to fifty thousand rupees or both.

12. Power to make rules.—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which and the fees on the payment of which an application may be made under sub-section (2) of section 3;

(b) the terms and conditions subject to which the owner may be enrolled under sub-section (3) of section 3;

(c) the form in which a certificate of enrolment may be issued under sub-section (4) of section 3;

(d) the manner in which the inquiry shall be made under clause (b) of sub-section (5) of section 3;

(e) the form in which and the particulars to be entered in the register to be maintained under section 5;

(f) the factors having regard to which the fee shall be determined under sub-section (2) of section 6;

(g) the procedure to be followed by the Committee under sub-section (3) of section 6;

(h) the conditions subject to which the owner or manager shall conduct the coaching class under section 8;

(i) the rules subject to which the District Education Officer shall exercise the powers under section 9;

(j) to exercise such other powers by the District Education Officer under clause (c) of section 9.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Guj. Ord. 3 of 1997. **13. Repeal and savings.**—(1) The Gujarat Coaching Classes (Control) Ordinance, 1997 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

STATEMENT

In recent years there is a mushroom growth of coaching classes in the State. Some of such classes have neither proper facilities nor qualified persons for imparting education in subjects taught in a school. It is noticed that there is a psychological pressure on the students to join such classes with a result that by taking advantage of such pressure and in absence of any control over such classes, exorbitant fees are charged to the students joining such classes and thereby imparting of education in coaching classes has become commercial. It was, therefore, considered necessary to control the conduct of such classes. For that purpose provision is made for registration of owners of coaching classes; for imposing conditions for conduct of coaching classes; and for requiring the owners of such classes to charge fees to students not exceeding those determined by a Committee. For ensuring compliance with the aforesaid provisions, a penal provision is also made.

As the Gujarat Legislative Assembly was not in session, at that time the Gujarat Coaching Classes (Control) Ordinance, 1997 was promulgated on the 24th July, 1997 to achieve the aforesaid objects. The Gujarat Legislative Assembly was summoned to meet on the 14th August, 1997 and prorogued on the same day, and therefore, the said Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 24th September, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 22nd September, 1997.

KRISHNA PAL SINGH,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

SUDHIR MANKAD,

Secretary to Government.



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Separate paging is given to this Part in order that it
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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 23rd September, 1997.

GUJARAT ORDINANCE NO. 7 OF 1997.

AN ORDINANCE

further to amend the Bombay Primary Education Act, 1947.

WHEREAS the Governor of Gujarat has promulgated the Bombay Primary
Guj. Ord. 4 of Education (Gujarat Amendment) Ordinance, 1997 on the 31st July, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned
to meet on the 14th August, 1997 and prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State
Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th
September, 1997, the date on which the period of six weeks from the date of the
re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the
said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Primary Education (Gujarat Amendment) (Second) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 31st July, 1997.

2. *Bom. LXI of 1947 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in section 3. Bom. LXI of 1947.

3. *Amendment of section 24 of Bom. LXI of 1947.*—In the principal Act, in section 24, in sub-section (1),—

(1) for the words "shall have power", the words "shall have power under the control and supervision of the District Development Officer or the District Education Officer or, as the case may be, the Municipal Commissioner of the Corporation, within their respective jurisdiction" shall be substituted;

(2) for the word "Director", the words "Director or by the State Government" shall be substituted.

4. *Repeal and savings.*—(1) The Bombay Primary Education (Gujarat Amendment) Ordinance, 1997 is hereby repealed. Gui. Ord. 4 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

Under the existing provisions of sub-section (1) of section 24 of the Bombay Primary Education Act, 1947, the Administrative Officer, subject to the general instructions of the Director of Education, is empowered to promote, transfer and take all disciplinary actions against the staff maintained under section 20. In order to have check and control over such powers of the Administrative Officer, it was considered necessary to amend the said sub-section (1) of section 24 so as to provide that the Administrative Officer may exercise such powers under the control and supervision of the District Development Officer, the District Education Officer or, as the case may be, the Municipal Commissioner within their respective jurisdiction. The power is also taken to State Government to give general instructions to the Administrative Officer in this respect.

As the Gujarat Legislative Assembly was not in session at that time, the Bombay Primary Education (Gujarat Amendment) Ordinance, 1997 was promulgated on the 31st July, 1997 to achieve the aforesaid object. The Gujarat Legislative Assembly was summoned to meet on the 14th August, 1997 and prorogued on the same day and the said Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 24th September, 1997 the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 22nd September, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

SUDHIR MANKAD,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

AGRICULTURE AND CO-OPERATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 14th October, 1997.

GUJARAT ORDINANCE NO. 8 OF 1997.

AN ORDINANCE

further to amend the Gujarat Co-operative Societies Act, 1961.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Co-operative Societies Act, 1961;

Guj. X of
1962.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Co-operative Societies (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Guj. X of 1962 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in section 3. Guj. X of 1962.

3. *Insertion of new section 74 BB in Guj. X of 1962.*—In the principal Act, after section 74B, the following new section shall be inserted, namely :—

Reservation of
seats for
woman on
committee of
society.

" 74 BB. (1) There shall be reserved for women,—

(a) one seat in a committee consisting of not more than eleven members, and

(b) two seats in a committee consisting of more than eleven members.

(2)(a) Where in a committee, existing on the date of commencement of the Gujarat Co-operative Societies (Amendment) Ordinance, 1997,— Guj. Ord. 8 of 1997.

(i) consisting of not more than eleven members, there is no woman as a member;

(ii) consisting of more than eleven members, there is no woman as a member or only one woman as a member,

the society shall, notwithstanding anything contained in the bye-laws of the society, elect, co-opt or appoint in accordance with its bye-laws, in addition to the existing members of the committee, one woman as a member in a committee referred to in clause (i) and two women as members or, as the case may be, one woman as a member in a committee referred to in clause (ii).

(b) Where a society does not elect, co-opt, or appoint a member under sub-section (2) within two months from the commencement of the Gujarat Co-operative Societies (Amendment) Ordinance, 1997, the Registrar shall, notwithstanding anything contained in the bye-laws of the society, appoint additional member or members in the committee in accordance with the provisions of sub-section (2). Guj. Ord. 8 of 1997.

(3) The term of office of the members so elected, co-opted or appointed under clause (a) or (b) of sub-section (2) shall expire on the expiry of the term of office of the other members of the committee."

STATEMENT

Though the Co-operative movement in the State has been proliferated, the active participation of the women in management of the society is very negligible. It is the policy of the Government to boost and encourage the women to take active part in all walks of life by giving proper representation in every field of the activities. With a view to involving the women in the co-operative activities, it is considered necessary to amend the Gujarat Co-operative Societies Act, 1961. It is proposed to insert a new section which provides that where the committee of management consisting of not more than eleven members, one seat and where the committee consisting of more than eleven members, two seats shall be reserved for women. Where in a committee there is no woman as a member as proposed, it has been made obligatory on the part of the society to elect, co-opt or appoint one woman as a member or, as the case may be, two women as members in addition to the existing strength of the committee. Where a society fails to elect, co-opt, or appoint woman as a member or members within a period of two months from the commencement of the proposed provision, the Registrar has been empowered to appoint woman as a member or members on such committee.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 14th October, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

A. A. PATEL,
Deputy Secretary to Government.



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 14th October, 1997.

GUJARAT ORDINANCE NO. 9 OF 1997.

AN ORDINANCE

further to amend the Bombay Primary Education Act, 1947.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Bom. LXI of 1947. AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Bombay Primary Education Act, 1947;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Primary Education (Gujarat Second Amendment) Ordinance, 1997.

(2) It shall come into force at once.

Bom. LXI of 1947. 2. *Bom. LXI of 1947 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 7.

3. *Amendment of section 2 of Bom. LXI of 1947.*—In the principal Act, in section 2, after clause (6), the following clause shall be inserted, namely:—

"(6A) *"balguru"* means a person appointed on contract to assist a teacher in a primary school under the supervision and control of the head teacher;"

4. *Amendment of section 13 of Bom. LXI of 1947.*—In the principal Act, in section 13, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

"(dd) to-maintain such number of *balgurus* as may in the opinion of the State Government be necessary;"

5. *Amendment of section 17 of Bom. LXI of 1947.*—In the principal Act, in section 17, in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

"(cc) to maintain such number of *balgurus* as may in the opinion of the State Government be necessary;"

6. *Insertion of new section 24A in Bom. LXI of 1947.*—In the principal Act, in Chapter V, after section 24, the following new section shall be added, namely:—

Provision relating to *balguru*.

"24A. (1) Every taluka panchayat and every authorised municipality shall with the approval of the State Government maintain such number of *balgurus* as may in the opinion of the State Government be necessary.

(2) For selection of *balgurus*, there shall be a selection committee—

(a) for every taluka, consisting of such persons as may be prescribed, and

(b) for the area of every authorised municipality, consisting of such persons as may be prescribed.

(3) The qualifications for appointment of *balgurus* shall be such as may be prescribed.

(4) The selection committee shall select candidates for appointment as *balgurus* in such manner as may be prescribed.

(5) A taluka panchayat or, as the case may be, an authorised municipality may make appointments of the candidates so selected in accordance with the directions given by the selection committee.

(6) No person shall be appointed as a *balguru* unless he has entered into a contract with the taluka panchayat or, as the case may be, the authorised municipality in such form and containing such terms and conditions of appointment as may be prescribed.

(7) The duties of *balgurus* shall be such as may be prescribed.

(8) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in sections 20 and 23 of this Act and in any provision of the Gujarat Panchayats Act, 1993.

Explanation.—For the purposes of this section, a taluka panchayat means a taluka panchayat constituted under the Gujarat Panchayats Act, 1993." ^{Guj. 18 of 1993.}

7. *Amendment of section 63 of Bom. LXI of 1947.*—In the principal Act, in section 63,—

(1) in sub-section (2), after clause (fa), the following clauses shall be inserted, namely:—

"(fb) the persons of which a selection committee shall consist of;

(fc) the qualifications for appointment as *balgurus*;

(fd) the manner of selection of candidates for appointments as *balgurus*;

(fe) the form of contract of appointment to be entered into by a *balguru* and terms and conditions of such appointment to be contained in such contract;

(ff) the duties of *balgurus*;"

(2) to sub-section (3), the following proviso shall be added, namely:—

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action it may dispense with previous publication of any rules to be made under this section."

STATEMENT

The State Government is continuously endeavouring to provide free and compulsory education for all children until they complete the age of fourteen years as envisaged in article 45 of the Constitution of India and as a step further in that direction, it is proposed to introduce a special scheme to be known as *Balguru* Scheme in the talukas and areas of authorised municipalities in the State. The scheme envisages employment of the growing number of unemployed persons, qualified to teach in primary schools, to assist teachers in such schools for a period of five years. It is envisaged that the scheme would go a long way in spreading compulsory education even in the remote areas of the State and, after a period of five years the *Balgurus* would be an experienced group of persons available for being appointed as teachers, so as to enhance the efficiency of teaching in Primary Schools in the State. The scheme would also have the effect of reducing unemployment among the persons qualified to teach in primary schools. For the purpose of implementing the aforesaid scheme, it is considered necessary to amend the Bombay Primary Education Act, 1947.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 14th October, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. D. PANDOR,
Deputy Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

FINANCE DEPARTMENT.

Sachivalaya, Gandhinagar, Dated the 18th December, 1997.

GUJARAT ORDINANCE NO. 10 OF 1997.

AN ORDINANCE

further to amend the Gujarat Contingency Fund Act, 1960.

WHEREAS the Governor of Gujarat has promulgated the Gujarat
 Guj. Ord. 5 of 1997. Contingency Fund (Amendment) (Second) Ordinance, 1997 on the 23rd
 September, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was
 summoned to meet on the 13th November, 1997 and prorogued on the 17th
 November, 1997;

AND WHEREAS the said Ordinance could not be replaced by an Act of
 the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the
 24th December, 1997, the date on which the period of six weeks from the
 date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the
 provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Contingency Fund (Amendment) (Third) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 3rd June, 1997.

2. *Guj. IV of 1960 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Contingency Fund Act, 1960 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3. Guj. IV of 1960.

3. *Amendment of section 2 of Guj. IV of 1960.*—In the principal Act, in section 2, for the words "fifty crores of rupees", the words "two hundred crores of rupees" shall be substituted.

4. *Repeal and savings.*—(1) The Gujarat Contingency Fund (Amendment) (Second) Ordinance, 1997 is hereby repealed. Guj. Ord. 5 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

The amount in the Contingency Fund of the State was last increased in August, 1989 to fifty crores of rupees. Thereafter, the amount was required to be temporarily increased on certain occasions to meet with unforeseen expenditure which indicates that the amount in the Contingency Fund is insufficient to meet with the demands made on it from time to time. It was, therefore, considered necessary, to raise the limit of the Contingency Fund from fifty crores to two hundred crores of rupees.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Contingency Fund (Amendment) Ordinance, 1997 was promulgated on the 3rd June, 1997 to achieve the aforesaid object. The said Ordinance could not be replaced by an Act of the State Legislature, and the Gujarat Contingency Fund (Amendment) (Second) Ordinance, 1997 was promulgated on the 23rd September, 1997 to continue the operation of the provisions of the first Ordinance. Thereafter, the Gujarat Legislative Assembly was summoned to meet on the 13th, November, 1997 and prorogued on the 17th November, 1997 and the said second Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said second Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said second Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 17th December, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat

By order and in the name of the Governor of Gujarat,

RAJESH KISHORE,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 18th December, 1997.

GUJARAT ORDINANCE NO. 11 OF 1997.

AN ORDINANCE

further to amend the Bombay Primary Education Act, 1947.

Guj. Ord.
7 of 1997.

WHEREAS the Governor of Gujarat has promulgated the Bombay Primary Education (Gujarat Amendment) (Second) Ordinance, 1997 on the 23rd September, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Primary Education (Gujarat Amendment) (Third) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 31st July, 1997.

2. *Bom. LXI of 1947 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Primary Education Act, 1947 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in section 3.

Bom. LXI
of 1947.

3. *Amendment of section 24 of Bom. LXI of 1947.*—In the principal Act, in section 24, in sub-section (1),—

(1) for the words “shall have power”, the words “shall have power under the control and supervision of the District Development Officer or the District Education Officer or, as the case may be, the Municipal Commissioner of the Corporation, within their respective jurisdiction” shall be substituted;

(2) for the word “Director”, the words “Director or by the State Government” shall be substituted.

4. *Repeal and savings.*—(1) The Bombay Primary Education (Gujarat Amendment) (Second) Ordinance, 1997 is hereby repealed;

Guj. Ord.
7 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

Under the existing provisions of sub-section (1) of section 24 of the Bombay Primary Education Act, 1947, the Administrative Officer, subject to the general instructions of the Director of Education, is empowered to promote, transfer and take all disciplinary actions against the staff maintained under section 20. In order to have check and control over such powers of the Administrative Officer, it was considered necessary to amend the said sub-section (1) of section 24 so as to provide that the Administrative Officer may exercise such powers under the control and supervision of the District Development Officer, the District Education Officer or, as the case may be, the Municipal Commissioner within their respective jurisdiction. The power is also taken to State Government to give general instructions to the Administrative Officer in this respect.

As the Gujarat Legislative Assembly was not in session at that time, the Bombay Primary Education (Gujarat Amendment) Ordinance, 1997 was promulgated on the 31st July, 1997 to achieve the aforesaid object. The said Ordinance could not be replaced by an Act of the State Legislature, and therefore, the Bombay Primary Education (Gujarat Amendment) (Second) Ordinance, 1997 was promulgated on the 23rd September, 1997 to continue the operation of the provisions of the first Ordinance. Thereafter, the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997 and the said second Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said second Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said second Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 17th December, 1997.

KRISHNA PAL SINGH,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. D. PANDOR,

Deputy Secretary to Government.



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PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 18th December, 1997.

GUJARAT ORDINANCE NO. 12 OF 1997.

A N ORDINANCE

further to amend the Bombay Primary Education Act, 1947.

Guj. Ord. 9 of
1997.

WHEREAS the Governor of Gujarat has promulgated the Bombay Primary Education (Gujarat Second Amendment) Ordinance, 1997 on the 14th October, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Primary Education (Gujarat Second Amendment) (Second) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 14th October, 1997.

2. *Bom. LXI of 1947 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 7. Bom. LXI of 1947.

3. *Amendment of section 2 of Bom. LXI of 1947.*—In the principal Act, in section 2, after clause (6), the following clause shall be inserted, namely :—

"(6A) "balguru" means a person appointed on contract to assist a teacher in a primary school under the supervision and control of the head teacher;"

4. *Amendment of section 13 of Bom. LXI of 1947.*—In the principal Act, in section 13, in sub-section (2), after clause (d), the following clause shall be inserted, namely :—

"(dd) to maintain such number of *balgurus* as may in the opinion of the State Government be necessary;"

5. *Amendment of section 17 of Bom. LXI of 1947.*—In the principal Act, in section 17, in sub-section (1), after clause (c), the following clause shall be inserted, namely :—

"(cc) to maintain such number of *balgurus* as may in the opinion of the State Government be necessary;"

6. *Insertion of new section 24A in Bom. LXI of 1947.*—In the principal Act, in Chapter V, after section 24, the following new section shall be added, namely :—

"24A. (1) Every taluka panchayat and every authorised municipality shall with the approval of the State Government maintain such number of *balgurus* as may in the opinion of the State Government be necessary.

(2) For selection of *balgurus*, there shall be a selection committee—

(a) for every taluka, consisting of such persons as may be prescribed, and

(b) for the area of every authorised municipality, consisting of such persons as may be prescribed.

Provision
relating to
balguru.

(3) The qualifications for appointment of *balgurus* shall be such as may be prescribed.

(4) The selection committee shall select candidates for appointment as *balgurus* in such manner as may be prescribed.

(5) A taluka panchayat or, as the case may be, an authorised municipality may make appointments of the candidates so selected in accordance with the directions given by the selection committee.

(6) No person shall be appointed as a *balguru* unless he has entered into a contract with the taluka panchayat or, as the case may be, the authorised municipality in such form and containing such terms and conditions of appointment as may be prescribed.

(7) The duties of *balgurus* shall be such as may be prescribed.

(8) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in sections 20 and 23 of this Act and in any provision of the Gujarat Panchayats Act, 1993.

Guj. 18
of 1993.

Explanation.—For the purposes of this section, a taluka panchayat means a taluka panchayat constituted under the Gujarat Panchayats Act, 1993.

Guj. 18
of 1993.

7. *Amendment of section 63 of Bom. LXI of 1947.*—In the principal Act, in section 63,—

(1) in sub-section (2), after clause (fa), the following clauses shall be inserted, namely :—

"(fb) the persons of which a selection committee shall consist of;

(fc) the qualifications for appointment as *balgurus*;

(fd) the manner of selection of candidates for appointments as *balgurus*;

(fe) the form of contract of appointment to be entered into by a *balguru* and terms and conditions of such appointment to be contained in such contract;

(ff) the duties of *balgurus*; "

(2) to sub-section (3), the following proviso shall be added, namely :—

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rules to be made under this section."

Guj. Ord.
9 of 1997.

8. *Repeal and savings.*—(1) The Bombay Primary Education (Gujarat Second Amendment) Ordinance, 1997 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

The State Government is continuously endeavouring to provide free and compulsory education for all children until they complete the age of fourteen years as envisaged in article 45 of the Constitution of India and as a step further in that direction, it was proposed to introduce a special scheme to be known as *Balguru* Scheme in the talukas and areas of authorised municipalities in the State. The scheme envisages employment of the growing number of unemployed persons, qualified to teach in primary schools, to assist teachers in such schools for a period of five years. It is envisaged that the scheme would go a long way in spreading compulsory education even in remote areas of the State and, after a period of five years the *Balgurus* would be a experienced group of persons available for being appointed as teachers, so as to enhance the efficiency of teaching in Primary Schools in the State. The scheme would also have the effect of reducing unemployment among the persons qualified to teach in primary schools. For the purpose of implementing the aforesaid scheme, it was considered necessary to amend the Bombay Primary Education Act, 1947.

As the Gujarat Legislative Assembly was not in session at that time, the Bombay Primary Education (Gujarat Second Amendment) Ordinance, 1997 was promulgated on the 14th October, 1997 to amend the said Act to achieve the aforesaid objects. Thereafter the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997 and the said Ordinance could not be replaced by an Act of State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,
Dated the 17th December, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. D. PANDOR,
Deputy Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

**PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT
DEPARTMENT**

Sachivalaya, Gandhinagar, Dated the 20th December, 1997.

GUJARAT ORDINANCE NO. 13 OF 1997.

AN ORDINANCE

further to amend the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Panchayats Act, 1993;

Guj. 18
of 1993.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Guj. 18 of 1993 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the principal Act") shall have effect subject to amendments specified in sections 3 and 4. Guj. 18 of 1993.

3. *Insertion of sections 278A and 278AA in Guj. 18 of 1993.*—In the principal Act, after section 278, the following sections shall be inserted, namely:—

"Application of Act to Scheduled Areas of State.

278A. This Act shall apply to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, subject to the modifications specified in Schedule IV.

Amendment of certain Acts in their application to Scheduled Areas of the State.

278AA. The Acts specified in Schedule V shall, in their application to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, be amended to the extent mentioned in fourth column."

4. *Insertion of new Schedules IV and V in Guj. 18 of 1993.*—In the principal Act, after Schedule III, the following Schedules shall be added, namely:—

"SCHEDULE IV

(See section 278A)

(Modifications subject to which this Act applies to the Scheduled Areas of the State.).

1. In section 2, after clause (19), the following clause shall be inserted, namely:—

"(19A) "Scheduled Areas" means the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India ;".

2. For section 4, the following section shall be substituted, namely :—

Gram Sabha.

"4. (1) There shall be a *gram sabha* for a village for performing such functions as are provided by or under this Act.

(2) It shall consist of persons whose names are included in the list of voters of electoral divisions of that village.

(3) The *gram sabha* shall perform the following additional functions, namely:—

(a) The *gram sabha* shall endeavour to safeguard and preserve the traditions and customs of the inhabitants of the village, their cultural identity, community resources and the customary mode of dispute resolution.

(b) The *gram sabha* shall—

(i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the village panchayat;

(ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes in the village."

3. In section 7, to sub-section (1), the following proviso shall be added, namely:—

"Provided that while making a recommendation in respect of a local area in the Scheduled Areas it shall be ensured that the local area shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with the traditions and customs."

4. In section 9, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a village panchayat, the whole local area of which comprises of any of the Scheduled Areas the number of seats reserved for the Scheduled Tribes under sub-clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the village panchayat."

5. In section 10, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a taluka panchayat, the whole local area of which comprises of any of the Scheduled Areas the number of seats reserved for the Scheduled Tribes under clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the taluka panchayat."

6. In section 11, in sub-section (5), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) In the case of a district panchayat, the whole local area of which comprises of any of the Scheduled Areas the number of seats reserved for the Scheduled Tribes under clause (i) shall be increased to such number as is not less than one half of the total number of seats in the district panchayat."

7. After section 11, the following section shall be inserted, namely:—

"11A. If for any reason an election does not result in the return of any member of Scheduled Tribes in a taluka panchayat or district panchayat, then the State Government may nominate from amongst

Nomination
of members
of Scheduled
Tribes.

members belonging to Scheduled Tribes who are qualified to be elected, such number of members as not to exceed one-tenth of the total members to be elected in that panchayat."

8. In section 51, in sub-section (2),—

(1) for clause (a), the following shall be substituted, namely:—

"(a) All offices of sarpanch of all village panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

Explanation.—For the purposes of this clause "village panchayat" means the village panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b),—

(a) in sub-clause (i), the word "and" shall be deleted;

(b) sub-clause (ii) shall be deleted.

9. In section 63, in sub-section (2), —

(i) for clause (a), the following shall be substituted, namely:—

"(a) All offices of the President of the taluka panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

Explanation.—For the purposes of this clause, "taluka panchayat" means the taluka panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b), —

(a) in sub-clause (i), the word "and" shall be deleted ;

(b) sub-clause (ii) shall be deleted.

10. In section 77, in sub-section (2),—

(1) for clause (a), the following shall be substituted, namely:—

"(a) All offices of the President of the district panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

Explanation.—For the purposes of this clause, "district panchayat" means the district panchayat, the whole local area of which comprises of the Scheduled Areas."

(2) in clause (b), —

(a) in sub-clause (i), the word "and" shall be deleted ;

(b) sub-clause (ii) shall be deleted.

11. In section 108, after sub-section (4), the following sub-section shall be added, namely:—

"(5) (a) For the purposes of this Act, there shall be vested in the village panchayat minor forest produce found in such area of a forest as is situate in the jurisdiction of that village.

(b) The provisions of the Gujarat Minor Forest Produce Trade Nationalisation Act, 1979 shall continue to apply to the minor forest produce notwithstanding that the produce is vested in the village panchayat under clause (a). Guj. 7 of 1979.

(c) The sale proceeds of the minor forest produce shall be paid into and form part of the village fund.

(d) Nothing in clause (a) shall be construed as vesting in the village panchayat the land in the area of forest referred to in clause (a) and trees and plantations thereon.

Explanation.—For the purposes of this sub-section, the expression "minor forest produce" shall have the same meaning as assigned to it in clause (9) of section 2 of the Gujarat Minor Forest Produce Trade Nationalisation Act, 1979. Guj. 7 of 1979.

12. In section 112, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The panchayat shall obtain from the *gram sabha* a certificate of utilization of funds by the panchayat for the plans, programmes and projects referred to in sub-clause (i) of clause (b) of sub-section (3) of section 4."

13. After section 132, the following section shall be added, namely:—

"132A. The taluka panchayat shall be consulted—

(a) before acquiring under the Land Acquisition Act, 1894 of 1894. any land situate in the taluka for any development project;

(b) before resettling or rehabilitating persons affected by such project."

14. In Schedule I,—

(i) in entry 1, after sub-entry (i), the following new sub-entry shall be inserted, namely:—

"(ia) enforcing prohibition and regulating or restricting the sale and consumption of intoxicants; "

Taluka
Panchayat to
be consulted
before
acquisition
of land and
rehabilitation
of persons
affected.

(ii) in entry 7, after sub-entry (k), the following new sub-entry shall be inserted, namely :—

"(k-i) planning and management of water bodies;"

(iii) after entry 10, the following entry shall be added, namely :—

"11. In the sphere of social sectors—

the power to exercise control over institutions and functionaries in all social sectors."

15. In Schedule II, in Part I, in entry 5, after sub-entry (d), the following new sub-entry shall be added, namely :—

"(e) control over local plans and resources for such plans including tribal sub-plans."

SCHEDULE V

Acts amended.

(See section 278AA)

Year 1	No. 2	Short Title 3	Extent of amendment 4
1879	Bom. V of 1879.	The Bombay Land Revenue Code, 1879.	In section 73AA,— (1) in sub-sections (1) and (2), for the words "the Collector", the words "the District Panchayat" shall be substituted; (2) in sub-section (3), in clause (a),— (a) for the words "occupancy to another tribal", the words "occupancy to any person" shall be substituted; (b) for the words "the Collector", occurring at two places, the words "the District Panchayat" shall be substituted; (3) in sub-section (4), in clause(a), the words, brackets and figure" of sub-section (1) of this section, or" shall be deleted; (4) in the <i>Explanation</i> , before clause (i), the following clause shall be inserted, namely:— "(ia) "district panchayat" means a district panchayat of a district

comprising of any Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, in which the occupancy of the tribal exists;".

After section 17, the following shall be inserted, namely:—

1946

Bom.
XXXI
of 1946.

The Bombay
Money-
Lenders Act,
1946.

Previous
sanction of
village
panchayat
before lending
money to
member of
Scheduled
Tribe.

"17A. No money lender shall lend any money to a member of the Scheduled Tribe residing in a Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, without previous sanction of the village panchayat of that village."

STATEMENT

The Gujarat Panchayats Act, 1993 was enacted so as to bring the law relating to the panchayats in the State in conformity with Part IX of the Constitution of India relating to the panchayats. By virtue of section 3 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of the said Part IX relating to panchayats are extended to the Scheduled Areas subject to the exceptions and modifications provided in section 4 of the said Central Act. In the State there are certain areas which are declared by the President under paragraph 6 of the Fifth Schedule to the Constitution as the Scheduled Areas. Section 5 of the Central Act provides for continuation of the provisions of the State Act relating to Panchayats till 23rd December, 1997, although they may have become inconsistent with the provisions of the said Part IX as extended to the Scheduled Areas. It is, therefore, necessary to bring the Gujarat Panchayats Act, 1993 in conformity with the provisions of the said Part IX as extended to the Scheduled Areas.

Section 4 of the Central Act also requires the State Legislature to endow panchayats at the appropriate level and gram sabha with powers in respect of certain matters falling under other laws. It is, therefore, considered necessary to endow panchayats with powers in respect of those matters. Accordingly, relevant provisions of the Bombay Land Revenue Code, 1879 and the Bombay Money-lenders Act, 1946 are also amended.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend Gujarat Panchayats Act, 1993 and other aforesaid Acts to achieve the aforesaid object.

Gandhinagar,
Dated the 20th December, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat.

P. BASU,
Additional Chief Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

AGRICULTURE AND CO-OPERATION DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 20th December, 1997.

GUJARAT ORDINANCE NO. 14 OF 1997.

AN ORDINANCE

further to amend the Gujarat Co-operative Societies Act, 1961.

Guj. Ord. 8
of 1997.

WHEREAS the Governor of Gujarat has promulgated the Gujarat Co-operative Societies (Amendment) Ordinance, 1997 on the 14th October, 1997;

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Co-operative Societies (Amendment) (Second) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 14th October, 1997.

2. *Guj. X of 1962 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in section 3. Guj. X of 1962.

3. *Insertion of new section 74 BB in Guj. X of 1962.*—In the principal Act, after section 74B, the following new section shall be inserted, namely :—

Reservation of
seats for woman
on a committee
of society.

"74 BB. (1) There shall be reserved for women,—

- (a) one seat in a committee consisting of not more than eleven members, and
- (b) two seats in a committee consisting of more than eleven members.

(2)(a) Where in a committee, existing on the date of commencement of the Gujarat Co-operative Societies (Amendment) (Second) Ordinance, 1997,— Guj. Ord. 14
of 1997.

(i) consisting of not more than eleven members, there is no woman as a member;

(ii) consisting of more than eleven members, there is no woman as a member or only one woman as a member,

the society shall, notwithstanding anything contained in the bye-laws of the society, elect, co-opt or appoint in accordance with its bye-laws, in addition to the existing members of the committee, one woman as a member in a committee referred to in clause (i) and two women as members or, as the case may be, one woman as a member in a committee referred to in clause (ii).

(b) Where a society does not elect, co-opt or appoint a member under sub-section (2) within two months from the date of commencement of the Gujarat Co-operative Societies (Amendment) (Second) Ordinance, 1997, the Registrar shall, notwithstanding anything contained in the bye-laws of the society, appoint additional member or members in the committee in accordance with the provisions of sub-section (2). Guj. Ord. 14
of 1997.

(3) The term of office of the members so elected, co-opted or appointed under clause (a) or (b) of sub-section (2) shall expire on the expiry of the term of office of the other members of the committee."

4. *Repeal and savings.*—(1) The Gujarat Co-operative Societies (Amendment) Ordinance, 1997 is hereby repealed. Guj. Ord. 8 of
1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

STATEMENT

Though the Co-operative movement in the State has been proliferated, the active participation of the women in management of the society is very negligible. It is the policy of the Government to boost and encourage the women to take active part in all walks of life by giving proper representation in every field of the activities. With a view to involving the women in the co-operative activities, it was considered necessary to amend the Gujarat Co-operative Societies Act, 1961. It was proposed to insert a new section which provides that where the committee of management, consisting of not more than eleven members, one seat and where the committee consisting of more than eleven members, two seats shall be reserved for women. Where in a committee there is no woman as a member as proposed, it has been made obligatory on the part of the society to elect, co-opt or appoint one woman as a member or, as the case may be, two women as members in addition to the existing strength of the committee. Where a society fails to elect, co-opt or appoint woman as a member or members within a period of two months from the commencement of the proposed provision, the Registrar is empowered to appoint woman as a member or members on such committee. As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Co-operative Societies (Amendment) Ordinance, 1997 was promulgated on the 14th October, 1997 to amend the said Act to achieve the aforesaid objects.

The said Ordinance was laid before the Gujarat Legislative Assembly in its session which was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997 and the aforesaid Ordinance could not be replaced by an Act of State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 20th December, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

A. A. PATEL,
Deputy Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 22nd December, 1997.

GUJARAT ORDINANCE NO. 15 OF 1997.

AN ORDINANCE

to control coaching classes in the State in the interests of the general public.

WHEREAS there is a mushroom growth of coaching classes in the State;

AND WHEREAS some of the coaching classes are conducted by unqualified persons and without having proper facilities;

AND WHEREAS on account of psychological pressure of building up of their careers, the students are compelled to join such classes and the parents are anxious to get their children to join such classes;

AND WHEREAS in absence of any control over owner or manager of such classes, exorbitant fees are charged to the students resulting in the commercialization of education imparted in such classes;

AND WHEREAS on account of such commercialization, the coaching classes have become 'teaching shops' which is abhorrent to the Indian culture and heritage of the *Guru-Shisya* tradition;

AND WHEREAS the students belonging to the weaker sections of the society are compelled to pay exorbitant fees and thereby they become victims of such commercialization;

AND WHEREAS with a view to effectively curb such commercialization, it is expedient in the interests of the general public to control the coaching classes in the State;

AND WHEREAS the Governor of Gujarat has promulgated the Gujarat Coaching Classes (Control) (Second) Ordinance, 1997 on the 23rd September, 1997, in this regard;

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AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 24th December, 1997, the date on which the period of six weeks from the date of the re-assembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Gujarat Coaching Classes (Control) (Third) Ordinance, 1997.

(2) It extends to the whole of the State of Gujarat.

(3) It shall deemed to have come into force on the 24th July, 1997.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "coaching class" means a class where more than five students are imparted tuition in any of the subjects taught in a school and includes a tuition class;

Explanation.—Where at the same place less than five students are imparted tuition in any such subjects at different times of a day, so however that the total number of students to whom tuition is so imparted exceeds five, then such imparting of tuition shall be deemed to be a coaching class within the meaning of this clause;

(b) "committee" means the committee constituted under section 6;

(c) "manager" in relation to any coaching class means a person or body of persons, appointed by the owner and in-charge or control of the management of the coaching class;

(d) "owner" means an owner of a coaching class;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "register" means a register maintained under section 5;

(g) "school" means —

(i) a 'primary school' as defined in clause (17) of section 2 of the Bombay Primary Education Act, 1947, or Bom. LXI
of 1947.

(ii) a 'secondary school' as defined in clause (v) of section 2 of the Gujarat Secondary Education Act, 1972, or Guj. 18
of 1973.

(iii) a 'higher secondary school' imparting education in the eleventh and the twelfth standard and registered as such by the Gujarat Higher Secondary Education Board.

3. Prohibition against conducting coaching classes.—(1) No owner or manager shall, after the commencement of this Ordinance, conduct any coaching class unless the owner is enrolled in the register.

(2) Any person who desires to conduct a coaching class may make an application to the District Education Officer or, as the case may be, an officer authorised by the State Government in this behalf (hereinafter referred to as "the authorised officer"), in such form and accompanied by such fees as may be prescribed :

Provided that where any coaching class exists at the commencement of this Ordinance, the owner thereof shall make an application within a period of sixty days from such commencement :

Provided further that where an owner referred to in the first proviso makes an application within the period specified in that proviso, such owner shall be deemed to have been authorised to conduct the existing coaching class during the period from the date of commencement of this Ordinance and ending on the day on which he is enrolled in the register or, as the case may be, his enrolment is refused, as if he was enrolled for such period under this Ordinance.

(3) On receipt of an application under sub-section (2), the District Education Officer or, as the case may be, the authorised officer, may, after making such inquiry as he thinks fit, enrol on such conditions as may be prescribed or refuse to enrol the person or owner in the register.

(4) The District Education Officer or, as the case may be, the authorised officer may issue a certificate of enrolment to the person or the owner in such form as may be prescribed.

(5) (a) Where the District Education Officer or, as the case may be, the authorised officer is satisfied either on a reference made to him in this behalf or otherwise, that the enrolment of a person or the owner in the register has been obtained by misrepresentation as to an essential fact, he may, after giving an opportunity of being heard to the person or owner so enrolled, cancel his enrolment in the register.

(b) Where any owner or manager has been, on an inquiry made by the District Education Officer or the authorised officer in such manner as may be prescribed, found to have committed breach of any of the conditions or committed default in carrying out any of the duties imposed on such owner or manager by this Ordinance or the rules made thereunder, the District Education Officer or, as the case may be, the authorised officer shall, after giving such owner or manager an opportunity of being heard, cancel the enrolment of the owner in the register.

4. *Appeal.*—Any person or owner aggrieved by the decision of the District Education Officer or, as the case may be, the authorised officer, may, within a period of thirty days from the date on which the decision is communicated to him, file an appeal to the Commissioner of Higher Education and the decision thereon shall be final.

5. *Maintenance of register.*—There shall be maintained by the District Education Officer or, as the case may be, the authorised officer, a register for enrolment of owners in the area of his jurisdiction in such form and containing such particulars as may be prescribed.

6. *Constitution of Committee and its functions.*—(1) The State Government may, by notification in the *Official Gazette*, constitute a Committee consisting of the following members, namely:—

(a) The Secretary in Education Department in-charge of Schools, who shall be the Chairman,

(b) The Secretary in Education Department in-charge of Higher and Technical Education,

(c) The Commissioner of Higher Education,

(d) The Director of Primary Education,

(e) The Financial Adviser in the Education Department.

(2) The Committee shall, having regard to such factors as may be prescribed, determine from time to time the fees to be charged to the students of coaching classes in the State by owners or managers and different fees may be determined for different areas of the State.

(3) The Committee in discharge of its functions under sub-section (2) shall follow such procedure as may be prescribed.

7. *Tuition fees to be charged.*—No owner or manager shall charge fees for tuition imparted in the coaching class exceeding such amount as determined by the Committee under section 6.

8. *Duties of owner or manager.*—An owner or manager shall conduct coaching class subject to such conditions as may be prescribed.

9. *Inspection.*—Subject to the rules made in this behalf, the District Education Officer or any other officer authorised by the Committee in this behalf, may within the area of his jurisdiction—

(a) enter, with such assistants, as he thinks fit, being persons in the service of the Government, in any place which is used or which he has reason to believe is used for a coaching class,

(b) require production of any document relating to the coaching class and take on the spot or otherwise statements of any person, as he may consider necessary for carrying out the purposes of this Ordinance,

(c) exercise such other powers as may be prescribed for carrying out the purposes of this Ordinance.

10. *Report.*—An owner shall furnish such information as the District Education Officer or, as the case may be, the authorised officer may require for the purposes of this Ordinance.

11. *Penalty.*—Any person who contravenes the provisions of sub-section (1) of section 3 or section 7 shall be punishable with imprisonment for a term which may extend to six months or with a fine which shall not be less than one thousand rupees and which may extend to fifty thousand rupees or both.

12. *Power to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which and the fees on the payment of which an application may be made under sub-section (2) of section 3;

(b) the terms and conditions subject to which the owner may be enrolled under sub-section (3) of section 3;

(c) the form in which a certificate of enrolment may be issued under sub-section (4) of section 3;

(d) the manner in which the inquiry shall be made under clause (b) of sub-section (5) of section 3;

(e) the form in which and the particulars to be entered in the register to be maintained under section 5;

(f) the factors having regard to which the fee shall be determined under sub-section (2) of section 6;

(g) the procedure to be followed by the Committee under sub-section (3) of section 6;

(h) the conditions subject to which the owner or manager shall conduct the coaching class under section 8;

(i) the rules subject to which the District Education Officer shall exercise the powers under section 9;

(f) to exercise such other powers by the District Education Officer under clause (c) of section 9.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

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13. *Repeal and savings.*—(1) The Gujarat Coaching Classes (Control) (Second) Ordinance, 1997 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

STATEMENT

In recent years there is a mushroom growth of coaching classes in the State. Some of such classes have neither proper facilities nor qualified persons for imparting education in subjects taught in a school. It is noticed that there is a psychological pressure on the students to join such classes with a result that by taking advantage of such pressure and in absence of any control over such classes, exorbitant fees are charged to the students joining such classes and thereby imparting of education in coaching classes has become commercial. It is, therefore, considered necessary to control the conduct of such classes. For that purpose provision is made for registration of owners of coaching classes; for imposing conditions for conduct of coaching classes; and for requiring the owners of such classes to charge fees to students not exceeding those determined by a Committee. For ensuring compliance with the aforesaid provisions, a penal provision is also made.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Coaching Classes (Control) Ordinance, 1997 was promulgated on the 24th July, 1997 to achieve the aforesaid object. The said Ordinance could not be replaced by an Act of the State Legislature, and the Gujarat Coaching Classes (Control) (Second) Ordinance, 1997 was promulgated on the 23rd September, 1997 to continue the operation of the provisions of the first Ordinance. Thereafter the Gujarat Legislative Assembly was summoned to meet on the 13th November, 1997 and prorogued on the 17th November, 1997 and the said second Ordinance could not be replaced by an Act of the State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said second Ordinance would cease to operate after the 24th December, 1997, the date on which the period of its make from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said second Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 21st December, 1997.

KRISHNA PAL SINGH,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

S. G. MANKAD,
Additional Chief Secretary to Government.